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A
FULL REPORT

OF THE CASE OF

STACY DECOW, AND JOSEPH HENDRICKSON,

vs.

THOMAS L. SHOTWELL.

DECIDED

AT A SPECIAL TERM OF THE NEW JERSEY COURT OF APPEALS,
HELD AT TRENTON,

IN JULY AND AUGUST, EIGHTEEN HUNDRED AND THIRTY-THREE.

EMBRACING

THE DECISION OF THE COURT OF CHANCERY,

FROM WHICH THE APPEAL WAS MADE;

THE ARGUMENTS OF THE COUNSEL ON EACH SIDE,

AND THE

FINAL DECISION OF THE COURT OF APPEALS.

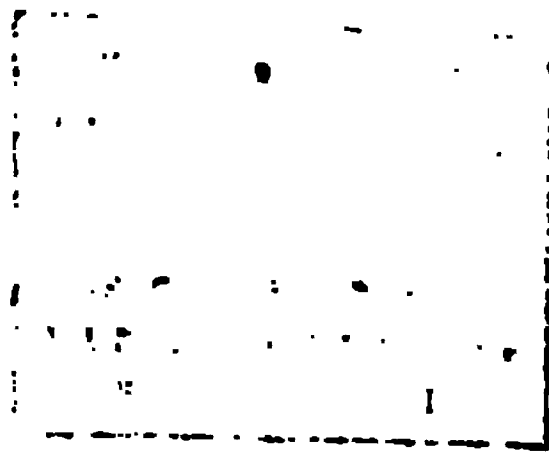
TAKEN DOWN IN SHORT HAND BY COMPETENT REPORTERS AND REVISED BY
THE RESPECTIVE COUNSEL.

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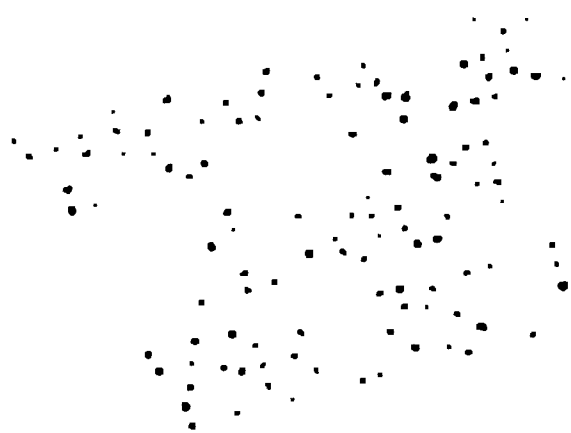
P. J. GRAY, No. 8½, NORTH THIRD STREET,

SOLD BY MAHON DAY, NEW YORK, AND MORGAN & SANXAY, CINCINNATI.

1834.



Entered, according to Act of Congress, in the year 1834, by P. J. GRAY, in the
Clerk's office of the District Court for the Eastern District of Pennsylvania.



INTRODUCTION.

THE law case, of which an account is here given, grew out of the division existing in the Society of Friends, and turned upon the following circumstances :

About the year 1792, a fund was created by certain members of the preparative meeting of the Society of Friends at Crosswicks, in the county of Burlington and state of New Jersey, for the support of a school connected with that meeting.

In the year 1827, the members of that preparative meeting divided, and one party, known as "Hicksites," became attached to the Green street yearly meeting in the city of Philadelphia. The other party known as "Orthodox," remained attached to the Arch street yearly meeting.

Before this division took place, Joseph Hendrickson had been appointed treasurer of the school fund, and as such, had loaned the sum of two thousand dollars to Thomas L. Shotwell, on bond and mortgage. After the division, Joseph Hendrickson remained attached to the "Orthodox" party, and the "Hicksite" preparative meeting, declaring his office vacated, appointed Stacy Decow his successor. Thomas L. Shotwell, who was not a member at the time of the division, but who afterwards became attached to the "Hicksite" preparative meeting, refused to recognize the claims of Hendrickson as treasurer, whereupon Hendrickson exhibited a bill of complaint in the usual form, in the court of chancery of New Jersey, against Shotwell. to foreclose the equity of redemption on the mortgage.

In his bill, Hendrickson set forth the pretension of Shotwell, that Stacy Decow was the lawful treasurer of the school fund: and, for the purpose of rebutting this pretension, he set forth particularly the religious controversy in this society, and alleged that a difference of doctrine was the ground of the division of the society into two parties. He stated that there were three prominent points of doctrine on which they differed: that the ancient Society of Friends believed in the divinity of the Saviour, in the atonement, and in the inspiration and unerring truth and certainty of the Holy Scriptures, which tenets were still held by the "Orthodox" party, and are, and always have been deemed fundamental: but that the "Hicksite" party rejected these doctrines. He further charged, that the "Hicksite" party had seceded from the institutions and government of the church; that during the sitting of the yearly meeting of Philadelphia, in 1827, the members comprising the "Hicksite" party held private irregular meetings, which resulted in the issuing, by them, of an address directed to their own party, calling a convention for the purpose of forming a yearly meeting of their own; that this convention, composed of their own party, met accordingly, and did form a new yearly meeting, which was first held in Philadelphia, on the second Monday in April, 1828, and has continued since to be held annually on the same day of the month. He also stated, that the old yearly meeting, at their sitting in 1827, was regularly adjourned to meet the ensuing year at Philadelphia, on the third Monday in April, agreeably to the established rules of the society: that they did so meet the following year, and have continued annually to assemble at that time and place ever since. And he charged, that the "Hicksite" preparative meeting at Crosswicks, was detached from the old preparative meeting, and was connected with, and in subordination to, the new "Hicksite" yearly meeting of Philadelphia. He alleged that their proceedings amounted to a secession from the government of the church, and that, as such seceders, they were not identified with the old institution, and could not carry the property with them. Upon the filing of this bill, Thomas L. Shotwell came into court, and exhibited a bill of interpleader against Jo-

seph Hendrickson and Stacy Decow, the two adverse treasurers, in which he set forth their respective claims and pretensions. Joseph Hendrickson filed an answer in which he reiterated and insisted upon the various grounds charged in his original bill.

Stacy Decow, in his answer to this bill of interpleader, denied that the three religious doctrines already stated, were fundamental doctrines with the Society of Friends. On the contrary, he said, they had no creed, and every individual member might believe, in regard to them, as he pleased. He refused to disclose his religious sentiments, or those of his party, alleging that he was not bound to disclose them before a temporal tribunal. He contended that the religious Society of Friends was a pure democracy, acknowledging no head but Christ, the great head of the christian church, and that they did not consider Elias Hicks as their leader; that, believing in the fundamental doctrine of the influence of the divine light upon the soul, they held no inquisition over the consciences of their fellow men. He denied that his party had seceded from the rule and government of the church. He contended that they had merely revived the government, and organized it anew upon its original principles, which had become necessary, in consequence of the erroneous and irregular proceedings of some members of the opposite party, particularly certain elders in Philadelphia.

After the pleadings were completed, the depositions of witnesses were taken at Camden, opposite to the city of Philadelphia, before Jeremiah J. Foster, Esq. an examiner in the court of chancery, which, together with the pleadings at length, and some of the exhibits in the cause, have been published in two volumes.

The chancellor having been, whilst at the bar, one of the counsel in the cause, called into his assistance, agreeably to the practice of the court, the chief justice and one of the associate justices of the supreme court, before whom the cause was heard.

Garret D. Wall, Esq. and the Hon. S. L. Southard, appeared on the part of the "Hicksites," and George Wood, Esq. and Isaac H. Williamson, Esq. on the part of the "Orthodox." Chief justice Ewing and judge

Drake, held the matter under advisement from January to July 1832, then gave separate opinions in favour of the "Orthodox."

From this decision the "Hicksites" appealed to the Court of Errors Appeals : and before this court, the case came on for a hearing on the 1 day of July, 1833. About two weeks were employed in reading evidence : after which the counsel occupied between two and three weeks in delivering the speeches recorded in this volume.

For the better understanding of the case, we republish the opinion of chief justice Ewing and judge Drake ; and refer to the close of the volume for the final decision.

THE DECISION IN THE COURT OF CHANCERY.

CHANCERY OF NEW JERSEY.

BETWEEN

JOSEPH HENDRICKSON, *complainant*,

and

THOMAS L. SHOTWELL *and* ELIZABETH *his wife*, *defendants*.

{ On bill for relief,
&c.

AND BETWEEN

THOMAS L. SHOTWELL, *complainant*,

and

JOSEPH HENDRICKSON *and* STACY DECOW, *defendants*.

{ On bill of inter-
pleader, &c.

On the 10th July, 1832, Chief Justice Ewing and Justice Drake came into court, and delivered their opinions in this cause.

Opinion of CHIEF JUSTICE EWING.

Joseph Hendrickson exhibited a bill of complaint in this court, stating, that on the second day of April, one thousand eight hundred and twenty-one, being the treasurer of the school fund of the preparative meeting of the Society of Friends of Chesterfield, in the county of Burlington, he loaned the sum of two thousand dollars, part of that fund, to Thomas L. Shotwell, who thereupon made a bond to him, by the name and description of Joseph Hendrickson, treasurer of the school fund of Crosswicks meeting, conditioned for the payment of the said sum, with interest, to him, treasurer as aforesaid, or his successor, on the second day of April, then next ensuing, and also a mortgage of the same date, by the like name and description, on certain real estate, with a condition of redemption on payment of the said sum of money, with interest, to the said Joseph Hendrickson or his successor, treasurer of the school fund, according to the condition of the aforesaid bond. He farther states, that Thomas L. Shotwell refuses to pay the money to him, being treasurer as aforesaid, on diverse unfounded and erroneous pretensions; and he seeks relief in this court by a decree for the foreclosure of the mortgage, or for a sale of the mortgaged premises, and an appropriation of the proceeds to the payment of the debt.

Sometime after the exhibition of this bill, Thomas L. Shotwell filed here a bill of interpleader, wherein Joseph Hendrickson and Stacy Decow are made defendants; in which he admits the above-mentioned bond and mortgage, and the source from which emanated the money thereby intended to be secured, the school fund of the Chesterfield preparative meeting. He admits, also, the liability of himself, and the real estate described in the mortgage, and avows his readiness and willingness to pay whatever is due. But he says Stacy Decow has warned him not to pay to Joseph Hendrickson, alleging that Hendrickson is no longer treasurer of the fund, and has therefore no right to receive; and that he is the treasurer and successor of Hendrickson, and as such claims the money mentioned in the bond and mortgage. Seeking, then, the protection of this court, and offering, on being indemnified by its power, to pay to whomsoever the right belongs, he prays that Joseph Hendrickson and Stacy Decow may, according to the course and practice of this court, interplead, and adjust between themselves their respective claims.

Joseph Hendrickson answered this bill; and insists as in his original bill, that he is, as he was when the bond and mortgage were executed, the treasurer of the school fund of the Chesterfield preparative meeting of Friends at Crosswicks, and is entitled to the bond and mortgage, and to receive the money due thereon.

Stacy Decow has also answered the bill of interpleader. He admits the loan of the money, part of the school fund, to Shotwell, and the due execution and delivery, and

the validity of the bond and mortgage, and that when they were made, Joseph Hendrickson was the treasurer of the school fund, duly appointed by the Chesterfield preparative meeting at Crosswicks; in whom, as all the parties in this cause admit, was vested the right of appointing the treasurer of the fund. But he says, that before the filing of the original bill by Joseph Hendrickson, and "on the thirty-first day of the first month, 1828, at a lawful meeting of the said Chesterfield preparative meeting of Friends, held at the usual time and place of meeting at Crosswicks, he was appointed, in due and lawful manner, treasurer of the said school fund, to succeed the said Joseph Hendrickson; and as such successor, became entitled to all the books, obligations, and other papers, which he had in his possession, and also to the funds then in his hands, and more particularly to the bond and mortgage in the original bill and bill of interpleader mentioned, and the money due thereon; and the said Joseph Hendrickson ceased to have any right, title, or claim thereto." He farther insists "that he always has continued since his appointment, and is the lawful treasurer of the said school fund, and as the successor of the said Joseph Hendrickson is lawfully entitled to have and receive all such bonds, obligations, and mortgages, and the money due thereon, as had been taken for the loan of any part of the said fund in his name as treasurer of the said school fund, or payable to him, as such treasurer, or his successor."

This brief view of the pleadings is here represented, in order distinctly to exhibit, in a clear and naked manner, divested of auxiliary and explanatory matters, and especially of forensic forms, the grounds of the respective claims of the interpleading parties. And hence, we may discern the great outlines of the inquiries which an investigation of this cause would lead us to make. For according to these pretensions, and to these alone, thus set forth in the pleadings, as they are respectively supported or subdued by the proofs, the decree of this tribunal must be made, whatever other points favourable or unfavourable to either party may become manifest by the evidence.

Joseph Hendrickson claims the money, because originally made payable to him, and because he is, as he then was, the treasurer of the fund.

Stacy Decow claims the money, because payable by the terms of the bond to the successor of Joseph Hendrickson in that office, and because he became, and is such successor, and the present treasurer.

A slight sketch of the history of the establishment and organization of the Crosswicks school, and of the fund, may be interesting, and will, perhaps, shed light on some step in the progress of our investigations.

The education of youth, and the establishment of schools, attracted the care and attention, and brought out the exertions, of the yearly meeting of Philadelphia, at an early day. Most earnest and pressing recommendations of these interesting duties, to the consideration and notice of the society were repeatedly made; and to render these more effectual, committees were appointed to attend and assist the quarterly meetings. In the year 1778, the yearly meeting adopted the report of a committee "that it be recommended to the quarterly, and from them to the monthly and preparative meetings, that the former advice, for the collecting a fund for the establishment and support of schools, under the care of a standing committee, appointed by the several monthly or particular meetings, should generally take place, and that it be recommended by the yearly meeting, to Friends of each quarter, to send up the next year, an account of what they have done herein." And the report suggests the propriety of "a subscription towards a fund, the increase of which might be employed in paying the masters' salary, and promoting the education of the poorer Friends' children." Vol. 2. Evid. 387

The quarterly meeting of Burlington appear to have faithfully striven to promote the wise views and benevolent purposes of the yearly meeting. In 1777, and 1778, appropriate measures were adopted. Vol. 2. Evid. 436. In 1783, the subject was "afresh recommended to the due attention of their monthly and preparative meetings, and to produce renewed exertion," a committee previously appointed, was discharged, and a new one raised; and "it is desired," says the minute, "that accounts of our progress herein, may be brought forward timely, to go from this to the ensuing yearly meeting." Vol. 2. Evid. 436.

Within the bounds of the Chesterfield monthly meeting, although a committee had been for some time charged with the subject, there appears no practical result, until after the meeting in April, 1788, when a new committee was appointed, "to endeavour to promote the establishing of schools, agreeably to the directions of the yearly meeting." Vol. 2. Evid. 349. In August, 1789, the committee reported, that they had agreed on a place to build a school-house, and had obtained subscriptions to a considerable amount, and had agreed "to lay the same before the monthly meeting for their appro-

hation." The minute of the meeting approves, "and empowers them to proceed." Vol. 2. Evid. 349. To the monthly meeting of August, 1791, "the committee appointed for the establishment of schools, agreeably to the direction of the yearly meeting, reported, there is a house at Chesterfield, so far finished, that a school might be kept in it, but it is not yet occupied for that purpose; neither is there any such school within this monthly meeting." The clerk was directed "to send up" this report "to the ensuing quarterly meeting." Vol. 2. Evid. 349. No other action on it took place by the monthly meeting, until December, 1791, when they recommended to the preparative meeting of Chesterfield, "and they are hereby authorized," says the entry on the minutes, "to open a school in the said house, and appoint a suitable number of Friends, as trustees, to take the care and oversight thereof, and to make rules and regulations for the government and promotion of the institution; which rules and regulations shall always be inspected by the monthly meeting committee, for their approbation or disallowance; and said meeting are likewise authorized to appoint a treasurer, to receive subscriptions and donations, for accumulating a fund." Vol. 2. Evid. 349, exhib. 51.

The fruit of these discreet and vigorous measures soon appeared. The house built, provision made for trustees and a treasurer, and the accumulation of a fund thus earnestly resolved, a subscription was opened, and numerous and generous donations were obtained. The original instrument of writing has been produced before us. It is an interesting record of liberality. The subscribers describe themselves to be "members of the preparative meeting of the people called Quakers, at Crosswicks." They engage to make the payments to the "treasurer of the school at Crosswicks, begun and set up under the care of the preparative meeting." And the purpose is thus declared. "The principal whereof, so subscribed, is to be and remain a permanent fund, under the direction of the trustees of the said school, now or hereafter to be chosen by the said preparative meeting, and by them laid out or lent on interest, in such a manner as they shall judge will best secure an interest or annuity, which interest or annuity is to be applied to the education of such children as now do, or hereafter shall, belong to the same preparative meeting, whose parents are, or shall not be, of ability to pay for their education." Exhib. 1, vol. 2. Evid. 411.

This subscription was the basis of the school fund. Accessions to it were afterwards made, by other individuals of the society; and the quarterly meeting of Burlington, who held and owned a stock, composed of donations, bequests, and the proceeds of the sale of some meeting-houses, resolved, in 1792, to divide a portion of it among the monthly meetings, "for the promotion of schools, answerable to the recommendation of the yearly meeting, by establishing permanent funds within such of the meetings where none have been heretofore, or in addition to such as are already established." Vol. 2. Evid. 437, exhib. 32. The share of Chesterfield monthly meeting having been received, was subdivided, and a part of it paid over to the treasurer of the school fund of the preparative meeting in Chesterfield, "to be applied to the use directed by the minute of the quarterly meeting." Vol. 2. Evid. 347, exhib. 51. In 1802, a farther sum, arising from the sale of "an old meeting-house," was paid to the treasurer, by the monthly meeting, to be appropriated in the same manner. Exhib. O 2, vol. 2. Evid. 347.

In this way, and by discreet and prudent management, a fund was accumulated, a school-house erected, and, as we learn from one of the witnesses, "Friends, for many years, generally had a school kept therein, under their superintendence, and frequently appropriated a part of the proceeds towards paying the teacher's salary, and for the education of children contemplated in the original establishment of the fund." Samuel Craft, vol. 2. Evid. 350.

A part of this fund, as we have already seen, was loaned to Thomas L. Shotwell, and is the subject of the present controversy.

For the direction of the school, and for the care, preservation, and management of the fund, provision, as has been shown, was made, as well by the terms of the subscription, as by the resolution of the monthly meeting. The officers were accordingly appointed by the preparative meeting, from time to time, as occasion required. The trustees were usually chosen in the first month of every year, vol. 2. Evid. 287. No fixed term of office appears to have been assigned to the treasurer; so that the incumbent remained until removed by death, resignation, or the will of the appointing body. The person who held that station when the subscription was made, continued there until 1812, when another Friend succeeded him, and remained in office until Joseph Hendrickson was duly appointed, in 1816.

The facts thus far presented are not, and from the pleadings and evidence in the cause, cannot be, the subject of dispute. There are some positions, deducible from them, which are equally clear and incontrovertible.

First. The money mentioned in the bond being payable to Joseph Hendrickson, as treasurer, he has an indisputable right to claim and receive it, if he remains in that office.

Second. Inasmuch as he was duly appointed, which is unequivocally admitted by the pleadings, and inasmuch as the term of office of treasurer does not cease by efflux of time or by previous limitation, the legal presumption is that he remains in office until competent evidence of his due removal is given.

Third. Such being the case, Joseph Hendrickson is not required to produce farther evidence of his right to receive the money, or of his continuance in office, or that he has been retained there by the competent authority; but whoever denies that right, or seeks to sustain any claim on the ground that he has ceased to be treasurer, ought to establish the ground by lawful and sufficient proof.

Fourth. Inasmuch as Stacy Decow alleges that Joseph Hendrickson was removed from office, and that he was appointed his successor and treasurer of the school fund, (and upon this removal and appointment, he rests, in his answer, for the entire support of his claim,) it is incumbent on him to establish the fact and legality of this removal and appointment.

The power of appointment and removal, as the litigating parties unqualifiedly admit, is vested in the Chesterfield preparative meeting at Crosswicks, meant and mentioned in the original subscription paper or agreement of the donors; which is distinguished as exhibit No. 1., and which I have already referred to as the basis of the school fund. The parties also admit, or rather, insist, in their pleadings, by their evidence, and in the arguments of their counsel, that the preparative meeting is one and undivided; or in other words, that there is and can be but one body entitled to be called Chesterfield preparative meeting, to exercise its power and authority, and especially, the prerogative of removal and appointment. It farther appears from the evidence, that a body calling themselves, and claiming to be, the Chesterfield preparative meeting of Friends at Crosswicks, did, on the thirty-first day of January, 1828, adopt a resolution and enter it on their minutes, to the following effect: "This meeting being now informed by the trustees who have the immediate care and trust of the school fund belonging to this meeting, that the person who was sometime since appointed treasurer thereof, refuses to settle the account of the said fund with them, this meeting, therefore, now think it best to appoint a Friend to succeed him as treasurer of the said fund, and Stacy Decow being now named to that service and united with by this meeting, is appointed accordingly."

We are now brought to the issue between these parties, and are enabled to propound for solution, the question on which their respective claims depend; was this body the Chesterfield preparative meeting of Friends at Crosswicks, meant and mentioned in the establishment of the school fund? If it was, Stacy Decow is the successor and treasurer. If not, Joseph Hendrickson remains in office, and is entitled to the money.

The meetings in the society of Friends are of two kinds, for worship, and for discipline, as they are sometimes called, or in other words, for business. This distinction is sufficiently correct and precise for our present purposes, and it is not necessary to pause to consider of the suggestion, I have read somewhere in the testimony or documents in the cause, or perhaps, heard from the counsel in argument, that every meeting for discipline, is in truth a meeting for worship, since he who cordially and faithfully performs any ecclesiastical duty, does thereby pay an act of adoration to the Almighty.

The meetings for business are four in number, marked and distinguished by peculiar and characteristic differences; preparative, monthly, quarterly and yearly. These are connected together, and rise in gradation and rank in the order of their enumeration. Each yearly meeting comprehends several quarterly meetings; each quarterly meeting several monthly meetings; and every monthly meeting embraces several of the lowest order, preparative meetings. The preparative meeting is connected with, and subordinate to, some monthly meeting; the monthly meeting, to some quarterly meeting; the quarterly meeting, to its appropriate yearly meeting. The connexion and subordination are constitutional and indispensable; insomuch, that if any quarterly meeting withdraws itself from its proper yearly meeting, without being in due and regular manner united to some other yearly meeting, it ceases to be a quarterly meeting of the society of Friends. In like manner of the other meetings, down to the lowest. So that if the preparative meeting withdraws from its peculiar monthly meeting, and does not unite with another of the same common head, or some other legal and constitutional head, or in other words some acknowledged meeting, it does, from the moment, and by the very act of withdrawal, cease to be a preparative meeting of the society of Friends.

The truth of the position I have thus laid down, respecting connexion and subordination, will not, I presume, in the manner, and to the full extent which I have stated, meet with any denial or doubt. Yet, as it is of considerable importance in the present cause, I shall show that it is established; first by the constitution and discipline of the society; second, by their usages, or, as they might be called, in forensic language, cases in point, or precedents; and lastly, by the opinion of the society at large, so far as may be learned from the views of well informed members.

In the first place, then, as proposed, let us look into the book of discipline. We find there the following clear and explicit language. "For the more regular and effectual support of this order of the society, besides the usual meetings for the purposes of divine worship, others are instituted, subordinate to each other; such as, first, preparative meetings, which commonly consist of the members of a meeting for worship; second, monthly meetings, each of which commonly consists of several preparative meetings; third, quarterly meetings, each of which consists of the monthly meetings; and fourth, the yearly meetings, which comprises the whole." "These meetings have all distinct allotments of service." The connexion of the several meetings, and their subordination, in the manner I have suggested, are here most plainly and unequivocally shown and established. The place which this clause occupies in the discipline or constitution, (and the latter name seems more familiar, or at least to convey to professional minds, more distinct ideas,) serves to illustrate its importance. It is mentioned at the commencement; as if, one of the first truths to be taught and known; as if, the very foundation of the structure of discipline raised upon it. The article on appeals speaks the same idea. A person aggrieved may appeal from the monthly meeting to the quarterly meeting, and the monthly meeting are in such case, to appoint a committee to show the reasons of their judgment, and submit it there, where the judgment is to be confirmed or reversed. From the quarterly meeting, an appeal may be taken to the yearly meeting, where a committee are to attend with copies of the records of the monthly and quarterly meetings, and where the matter is to be finally determined; and a copy of the determination is to be sent to the meeting from which the appeal came. In the article on meetings for discipline are contained the following clauses. "The connexion and subordination of our meetings for discipline, are thus: preparative meetings are accountable to the monthly; monthly to the quarterly; and the quarterly to the yearly meeting. So that if the yearly meeting be at any time dissatisfied with the proceedings of any inferior meeting, or a quarterly meeting with the proceedings of either of its monthly meetings, or a monthly meeting with the proceedings of either of its preparative meetings, such meeting or meetings ought with readiness and meekness, to render an account thereof when required." "It is agreed, that no quarterly meeting be set up or laid down without the consent of the yearly meeting; no monthly meeting without the consent of the quarterly meeting; nor any preparative or other meeting for business or worship, till application to the monthly meeting is first made, and when there approved, the consent of the quarterly meeting be also obtained."

Another clause requires monthly meetings to appoint representatives to attend the quarterly meetings; and that at least four of each sex be appointed in every quarterly meeting to attend the yearly meeting. Another clause is in these words: "The use and design of preparative meetings is, in general, to digest and prepare business, as occasion may require, which may be proper to be laid before the monthly meeting."

The connexion and subordination of these meetings, and their relative rank or station in ecclesiastical order, being thus plainly and conclusively shown and established by the highest authority, the revered and respected rule of government for this whole religious community, we may naturally expect, what accordingly we find, numerous instances of the exercise of authority, of the subsistence of this connexion, and of the fruits of this subordination, in the conduct toward each other, of the respective meetings. From the examples which are abundantly furnished us in the evidence, I shall select a very few, and I prefer, for obvious reasons, to take them from the minutes of Burlington and Chesterfield meetings. The constant intercourse, by representatives, and the frequent appointment and attendance of committees from the yearly to the quarterly, and from the latter to the inferior meetings, need only be mentioned in general terms, to be brought fresh to the remembrance of all who know anything of the ecclesiastical history of their own times, or of their predecessors, or who have perused the testimony and documents before us. In second month, 1778, the quarterly meeting of Burlington directed the times of holding certain preparative meetings, so as to be convenient to a committee who were to visit them. In second month, 1820, the quarterly meeting refused to allow the holding of an afternoon meeting for worship, in Trenton, and

directed their clerk to inform the monthly meeting of Chesterfield of their determination. In 1821, the Trenton preparative meeting requested of the monthly meeting, permission to continue their afternoon sittings, and leave for one year was given. In the fifth month, 1825, the quarterly meeting declared, that certain persons admitted into membership in Chesterfield monthly meeting, were not members, and the clerk was directed to communicate this conclusion to that meeting and to the individuals. In fifth month, 1825, the quarterly meeting *annulled* the proceedings of the Chesterfield monthly meeting respecting the reception of a person as one of its members. In eleventh month, 1825, Trenton afternoon meetings were discontinued by order of the monthly meeting. In fourth month, 1826, the Trenton preparative meeting requested permission to hold an afternoon sitting, which, at the next monthly meeting was refused. In 1826, Thomas L. Shotwell, one of the parties in this cause, was disowned by the monthly meeting of Chesterfield. He appealed to the quarterly meeting of Burlington, where the disownment was confirmed. In the Chesterfield preparative meeting of sixth month, 1827, the extracts from the yearly meeting of fourth month, 1827, were produced and read. Contributions of money are statedly made, according to a prescribed ratio, and forwarded by the inferior to the superior meetings, and thus a stock, as it is called, is maintained in the yearly meeting. Occasional, or *ex re nata*, contributions have also, at times, been made. The yearly meeting of 1827, recommended the raising of a large sum, three thousand dollars, for a work of benevolence, and the preparative and monthly meetings of Chesterfield pursued the recommendation, and bore their usual and proportional part in carrying it into effect.

A brief reference will show that individuals, as well as meetings and the book of discipline, recognize and maintain the connexion and subordination of the several bodies in the society. In the pleadings of the parties in this cause, the position is stated by each of them, especially by the interpleading parties, Hendrickson and Decow. To these documents, as far as the cause is concerned, it might suffice to refer, since whatever is admitted by both parties, is, as it respects them, incontrovertible. But a recurrence to the parts of the controversy, will show that what is said on this topic in the pleadings, is the very language and sentiment of this whole religious community. For the sake of brevity, I will content myself with mentioning the names of the witnesses, and the pages of the printed volumes, whither any one will resort who is disposed to examine them at large. Samuel Bettle, vol. 1. 62, 63. 83; Samuel Parsons, vol. 1. 170; Thomas Evans, vol. 1. 271, 272. 311; John Gummere, vol. 1. 316; Samuel Craft, vol. 1. 334; Abraham Lower, vol. 1. 379, 405; Halliday Jackson, vol. 2. 144, 178, 191; Charles Stokes, vol. 2. 218, 229; Josiah Gaskill, vol. 2. 297; James Brown, vol. 2. 321, 322.

From this view, it seems to me established beyond the reach of doubt, that according to the constitution of the society of Friends, a preparative meeting must be subordinate to and connected with a monthly meeting, which is connected with and subordinate to a quarterly meeting, which again is connected with and subordinate to a yearly meeting. There can be no preparative meeting which is not so connected and subordinate. To descend from generals to particulars, every preparative meeting within the bounds of the yearly meeting of Philadelphia, is, and must be connected with, and subordinate to, a monthly meeting connected with, and subordinate to, a quarterly meeting, which is connected with, and subordinate to, that yearly meeting. There can be no preparative meeting within those bounds, which is not so connected and subordinate. From this constitutional principle, the following rule results as a corollary. Every preparative meeting within those bounds, which is, through and by its appropriate links, connected with, and subordinate to, the yearly meeting of Philadelphia, is a "preparative meeting of the people called Quakers;" and any preparative meeting or assemblage of persons, calling themselves a preparative meeting, not thus connected and subordinate, is not a preparative meeting of that people.

In laying down these propositions, I expressly avoid, and do not propose to examine or decide, unless in the sequel I find it necessary, a question much agitated and discussed, whether a monthly meeting can be laid down without its consent. There is, however, another proposition connected therewith, which, so as to make use of it hereafter, if necessary, I shall state barely, without a protracted or tedious inquiry, because I believe no one will gainsay it. A preparative meeting, cannot be made or constituted within the bounds of its superior, the quarterly, or to speak more definitely, a new preparative meeting cannot be set up, within the bounds of the Burlington quarterly meeting, without the sanction of the latter body; that is to say, of the Burlington quarterly meeting, which is connected with, and subordinate to, the yearly meeting of Philadel-

phia. I avoid, for the present at least, another topic, or rather, I mean, in the propositions above stated, to express no opinion upon it, whether a superior meeting may control an inferior, in matters of property, or of a pecuniary nature; and also, another topic somewhat discussed in the examination of the witnesses, if not by the counsel on the argument, whether a superior meeting can, without appeal, reverse the decision of an inferior, or take cognizance directly and originally, of matters not coming, by way of appeal, through the subordinate meetings.

The general doctrine of the connexion and subordination of meetings for business, I shall now proceed to show, has been expressly applied to the preparative meeting of Chesterfield. And as this topic bears much upon the result of our inquiries, I must enter into some detail.

Joseph Hendrickson, in his answer, says, "There have been for many years past, a monthly and preparative meeting, of the said society of Friends of Chesterfield....at Crosswicks:....that the said meeting at Crosswicks, is under the control and jurisdiction of the said yearly meeting of Philadelphia:....that some of the members of a number of quarterly and monthly meetings, which were under the control and jurisdiction of the regular and constitutional yearly meeting, at Philadelphia aforesaid....met at Philadelphia, on the third Monday in October, 1827, and then and there, irregularly, and contrary to discipline,....formed a new yearly meeting of their own, which was adjourned by them, to the second Monday of April, 1828; just one week before the time of the sitting of the regular constitutional yearly meeting:....that these religious dissensions and divisions found their way into the meeting of the society of Friends, at Crosswicks aforesaid:....that the 'Hicksite' party, and 'Orthodox' party....there, hold separate and distinct meetings, for business and worship, the former being under the jurisdiction and control of the new yearly meeting of Philadelphia aforesaid, which they have attached themselves, having renounced the jurisdiction and control of the ancient yearly meeting aforesaid; the latter, being under the jurisdiction and control of the ancient yearly meeting." Stacy Decow, in his answer, says, "that for many years, there has been established, at Crosswicks,....a preparative meeting of the religious society of Friends, or people called Quakers, called and known by the name of the Chesterfield preparative meeting of Friends, held at Crosswicks. There is also a monthly meeting of Friends established at the same place. That this defendant is now, and has been for twenty years and upwards, a member of the said several meetings:....that the said Chesterfield preparative meeting of Friends, at Crosswicks, to which he belongs, is the same preparative meeting of Friends, at Crosswicks, under whose care, the said school fund was placed:....that the said Chesterfield preparative meeting of Friends, at Crosswicks, of which this defendant is a member, holds communication with the yearly meeting of Friends established in Philadelphia, which the said Joseph Hendrickson in his original bill, improperly calls the 'Hicksite' party,....and which yearly meeting this defendant insists, is the yearly meeting of the ancient and true society of Friends. He denies that the society of Friends to which he belongs, have seceded from the faith, the religious institutions or government of the ancient and religious society of Friends, or from the ancient legitimate yearly meeting at Philadelphia; but the time of holding it has been changed from the third second day in the fourth month, to the second second day of the same,....there being no constitutional time for the assembling of the yearly meeting, the time of holding it was changed to the time it is now held.The said yearly meeting assembled again on the said second second day in the fourth month, 1828, and is now settled on its ancient foundations and principles. This defendant therefore denies that it is a new yearly meeting within the pale of one already in existence."

The testimony on this subject, of some of the witnesses, is to the following effect. John Gummere, vol. 1. Evid. 315, "Burlington monthly meeting, is a subordinate branch of Burlington quarterly meeting, which quarter is subordinate to the Philadelphia yearly meeting." Ibid. 318, "That yearly meeting....is held annually on the third second day of the fourth month, at Arch street meeting-house, in Philadelphia." Samuel Craft, vol. 1. Evid. 334, says, "From my earliest recollection, I have been a member of Burlington quarterly meeting, and for about thirty-six years past, I have been a member of Chesterfield monthly meeting. This monthly and quarterly meeting, now are, and have been, during all that period, subordinate branches of Philadelphia yearly meeting, held for many years past in the meeting house on Arch street, on the third second day in the fourth month, annually." Josiah Gaskill, vol. 2. Evid. 297, says, "The monthly meeting, which I am a member of, does consider itself members of Burlington quarterly meeting, which considers itself members of the yearly meeting of

Friends held in Philadelphia, on the second second day of fourth month at Green street." Ibid. 301, "The Burlington quarterly meeting.... held at Chesterfield.... have sent representatives to the yearly meeting of Friends held in Philadelphia, in fourth month ever since.... the second second day in fourth month.... at Green street, instead of Arch street. The yearly meeting at Green street, I consider the yearly meeting of Friends.... and because it is the same yearly meeting which, prior to 1827, had been held in Arch street." James Brown, vol. 2. Evid. 321, says, "These quarterly, monthly, and preparative meetings, are but parts of the one great whole, the yearly meeting. The Chesterfield monthly and preparative meetings were component parts of the Burlington quarterly meeting. The Burlington quarterly meeting, was a branch of the yearly meeting, which, in fourth month, 1827, was, and for many years before had been held in Arch street, Philadelphia." He "attended most part of the yearly meeting in Arch street, 1827, as a member of the society, and belonging to Chesterfield monthly meeting." Ibid. 322, "We have not attached ourselves, as I apprehend, to any other yearly meeting of Philadelphia, that is reorganized, and held on the second second day in fourth month, annually. We do not consider ourselves members of the yearly meeting held there (in Arch street) since 1827." "That portion of the Chesterfield preparative meeting which continues to hold that meeting at the usual times and places;" (that is to say, the preparative meeting whereby Decow was appointed treasurer of the school fund, as is elsewhere shown and expressed) "acknowledge themselves, or claim to be, a part of the monthly meeting which still continues a member of the Green street yearly meeting." The testimony of the last witness, James Brown, demands peculiar attention from the station he held, as clerk of the preparative meeting of which Decow is a member, and from the confidence reposed in that officer by the judges of the society, and the intimate knowledge he must acquire and possess of the acts, connexions, and sentiments of the meeting.

It thus appears there were and are, two distinct bodies, each claiming to be the Chesterfield preparative meeting of Friends at Crosswicks, and each claiming to be the same meeting under whose care the school fund was placed, and yet, *de jure*, remains. I stop here a moment, to fix the time when these bodies were distinctly and separately organized, in order to ascertain whether it was before the appointment of Decow, as treasurer of the school fund. And on account of the connexion, it may be useful to look also, to the higher meetings. The separation in the Burlington quarterly meeting appears to have occurred in the eleventh month, 1827. Samuel Emlen, vol. 1. Evid. 325; Josiah Gaskill, vol. 2. Evid. 301; Charles Stokes, vol. 2. Evid. 207. The latter witness says, he "attended the Burlington quarterly meeting in the eleventh month, 1827. At that meeting a separation did take place." And in answer (229) to this question, "After the separation of which you have spoken, in 1827, did your quarterly meeting consider itself as a constituent branch of the yearly meeting held at Arch street, Philadelphia, on the third second day of fourth month?" He answered, "The quarterly meeting considered itself a constituent branch of the yearly meeting of Philadelphia, which had been held some years previously at the Arch street house, on the third second day of fourth month; but which, owing to the circumstances which had grown out of the unsettled and divided state of society, it was concluded, should be held on the second second day of fourth month."

The separation in the monthly meeting at Chesterfield, or the session of two distinct bodies, and the transaction of business separately by these bodies, took place as early as ninth or tenth month, 1827. Samuel Emlen, vol. 1. Evid. 324, 328, 331; Samuel Craft, vol. 1. Evid. 336, 337; Josiah Gaskill, vol. 2. Evid. 284. He fixes the time, the tenth month, 1827, and says, "There did a separation take place in Chesterfield monthly meeting in that month." He farther states, (296) that the Chesterfield monthly meeting with which he was united, did at their meeting in that month, appoint representatives in behalf of that meeting, to attend the contemplated yearly meeting to be held in Philadelphia in that same month; and in this respect he is fully supported by the book of minutes, which is before us as an exhibit; and he farther testifies, that the representatives, with one exception, attended the yearly meeting in the tenth month, 1827.

The separation in the preparative meeting of Chesterfield, bears date on the twelfth month, 1827. Samuel Emlen, vol. 1. Evid. 325; Samuel Craft, vol. 1. Evid. 339, 347; Josiah Gaskill, vol. 2. Evid. 286. The latter witness says, (287) that after those who separated, left the preparative meeting, the meeting proceeded in first month, 1828, to appoint trustees of the school fund, and that Decow was appointed treasurer at the same meeting. The testimony of James Brown is very explicit and satisfactory on

this topic, and its importance, from the station he held as clerk of the meeting, has been already suggested. He says, vol. 2. Evid. 323, that the appointment of Stacy Decow as treasurer of the school fund, was made after the time when the separation of the preparative meeting of Chesterfield into two bodies or meetings, each calling themselves the Chesterfield preparative meeting, took place.

It thus clearly appears, that before the appointment of Decow as treasurer, there were formed and existed, two distinct bodies, claiming to be the Chesterfield preparative meeting of Friends; the one of them connected with a body calling itself the ancient yearly meeting of Friends of Philadelphia, which holds its sessions on the third second day of April, in a meeting-house on Arch street, and the other, and by which Decow was appointed, which disclaims all connexion with the above mentioned yearly meeting, is connected with another body calling itself the ancient yearly meeting of Friends of Philadelphia, which holds its sessions on the second second day of April in a meeting-house on Green street. It also appears there are two separate bodies, styling themselves and claiming to be, the ancient and constitutional yearly meeting of Friends of Philadelphia. There is, however, and there can be, as is asserted and admitted by all, but one ancient yearly meeting, and but one body entitled to that appellation. This truth is distinctly admitted by the pleadings of the parties; it is plainly asserted by the book of discipline, which all who claim to be of the society of Friends, as do all the parties, and if my memory is correct, all the witnesses, in the cause, unqualifiedly admit to be their standard and their guide; and it is testified by several of the witnesses, whose depositions I have already noticed; to which may be added that of Halliday Jackson, an intelligent and well informed witness examined on the part of Decow, vol. 2. Evid. 155.

We are now brought to the inquiry, which of these two bodies or meetings is the ancient yearly meeting of Friends of Philadelphia; an inquiry which, if I may judge from my own feelings and reflections, is of the deepest interest and importance. There is, and can be but one Chesterfield preparative meeting of the society of Friends. There is, and can be but one yearly meeting. A preparative meeting must be connected with the yearly meeting of Philadelphia, and without such connection, no assemblage is a preparative meeting. One of these bodies, or preparative meetings, is connected with the one, and the other with the other of the yearly meetings. Which then is the yearly meeting? Or to confine our inquiry within the only requisite range, is the meeting or body assembling on the second second day of the fourth month at Green street, the ancient yearly meeting? If it is, Decow is the treasurer. If not, as I have already shown, Hendrickson, once the acknowledged treasurer and the obligee, named as such in the bond, is entitled to the money. When such consequences hang on this question, may I not call it interesting and important? May I not stand excused, if I approach it with great anxiety and deep solicitude?

In the latter part of the seventeenth century, and at a very early period in the progress of the settlement of New Jersey and Pennsylvania, the number and condition of the followers of George Fox, or the people called Quakers, rendered it desirable they should be brought under a common head, according to the form of ecclesiastical government adopted in England, and already existing in some of the more ancient colonies. In the year 1681 or 1685, (the precise time seems to be controverted, and cannot influence our present pursuits,) a yearly meeting was established, comprehending the provinces of New Jersey and Pennsylvania, and the members of that religious society, and their already organized meetings and judicatories of inferior grades. This body was not a mere incidental, casual, disconnected assemblage, convening without previous arrangement, ceasing to exist when its members separated and formed anew when individuals came together again at some subsequent time. It was a regularly organized and established body, holding stated sessions, corresponding with other bodies of the same religious denomination, consulting together for the welfare of a portion of their church and its members, the ultimate arbiter of all differences, and the common head and governor of all belonging to the society of Friends, within its jurisdiction, which extended over the territories just mentioned, while they were called provinces, and since they assumed the name and rank of states. The meetings of this body were held annually, as its name imports, and as long and steady usage has wrought into a part of its essential structure. The time and place of convention are subject to its control, and have, accordingly, in several instances, been fixed and altered by it. The time and place, however, when and where only the body can constitutionally assemble and act, must, when fixed, so remain, until "the voice of the body," "in a yearly meeting capacity," which alone has the power and right "to govern its own proceed-

ings," shall resolve on and enact a change. Such, is certainly the rule of constitutional law, as applicable to this body; and such was their own practical construction of it in the year 1798, when in the conscientious discharge of duty, they assembled, undeterred by the ravages of pestilence and the arrows of death. From the year 1685, for nearly a century and a half, this body held its periodical sessions; for years, alternately at Burlington and Philadelphia, and finally in the latter city alone; and there, successively, at their houses on Pine street, on Keys' alley, and on Arch street. Changes in time and place have occurred; but always by a previous resolve, by "the voice of that body," "in a yearly meeting capacity." In 1811, the place was fixed in the meeting-house, on Arch street. In 1798, the time was changed to the third second day of the fourth month of each year; and by the book of discipline, promulgated by the yearly meeting in 1806, and as already observed, the acknowledged constitution of this religious community, the latter day is declared the period for its convention. No other day is mentioned; no other day is provided for under any circumstances; nor is any occasional, intermediate, or special meeting authorized.

In the year 1826, at the prescribed time and place, a meeting was held. After the transaction of its business, it adjourned, according to the ancient and wonted form, "to meet in the next year at the usual time." This body thus convened and thus adjourned, was, without dispute, the Philadelphia yearly meeting of Friends. On the third second day of April, 1827, at the house on Arch street, the designated time and place, a meeting assembled. It was composed of the representatives from the several quarterly meetings, and of all such individuals as inclination or duty had brought together. The regular constituent parts were there. Those who are since so openly divided by name, perhaps by feeling, peradventure by principles, then sat down together; one in form, if not in spirit; in unity of body, if not of mind. The clerk of the preceding year, according to ancient rule, opened the meeting in due order, for however simple, there was, nevertheless an established ceremony. The representatives were called, certificates of visiting strangers were received, epistles from corresponding bodies were read, committees were arranged, the usual affairs of the occasion were transacted in unity and peace. The representatives were, in wonted manner, desired to abide for the next step in the progress of business. This body, thus convened, was assuredly the yearly meeting; and up to the close of the forenoon, it sustained its constitutional existence. If that assemblage ceased to be the Philadelphia yearly meeting, something which occurred subsequent to the close of the first sitting must have wrought out that result.

Such result was produced, say the defendant, Decow, and the meeting whereby he was appointed treasurer. This body ceased to be the yearly meeting of Friends, was dissolved, broken up "into its individual elements," (Abraham Lower, vol. 1. Evid. 421,) and reorganized, in the ensuing autumn, in the yearly meeting which assembled in Green street, which became invested with the constitutional powers and rights incident to the Philadelphia yearly meeting, and, the successor, or rather the continuance of the same body, which had been formed in the seventeenth century, at Burlington, and had from thence conducted and governed the affairs of the society, and connected with itself the subordinate meetings, and this whole religious community.

Our next duty, then, is to examine the causes which are alleged to have deprived this body of constitutional existence. And these are, first, the acts of the body in a collective capacity; second, the omission of the body to perform certain collective duties; and third, the designs, plans, views, feelings and acts of individual members. Under one or another of these, is comprehended, it is believed, every operating cause suggested in the pleadings, in the testimony of the witnesses, and in the arguments of the counsel.

The only acts alleged against the body in a collective capacity, are two in number. First, the appointment of a clerk of the meeting; and secondly, the appointment, near the close of the session, of a committee to visit the subordinate meetings.

First, the appointment of clerk to the meeting. To regard the act against which this complaint is directed *as the appointment of a clerk*, is an entire misapprehension. It was, in truth, no more than the continuance in office of the former clerk; and as it seems to me, so far from an act of the body in its collective capacity, in violation of any rule, it was a strict, and under the circumstances in which the meeting was placed, an unavoidable compliance with, and adherence to, the ancient custom and order of the society.

According thereto, the nomination of clerk is to be made, not in or by the meeting at large, but by the representatives, as they are called, or in other words, the persons

deputed by the several quarterly meetings to attend, not merely as individuals, but as the organs of those meetings, in their official character.

The representatives, pursuant to the request already mentioned, remained at the close of the forenoon session, to discharge this duty. It is not my purpose to inquire into, or relate in detail, what passed among them. In the result, they could not agree, or did not agree, on the names of any persons to be proposed for the offices of clerk and assistant; and a report to this effect was made to the yearly meeting, when it opened in the afternoon. No nomination was offered. Put, now, the case in the strongest view; suppose the representatives had wantonly, or in neglect of their trust, omitted to propose names to the meeting? Was all further proceeding at an end? Was the meeting closed? The book of discipline, it is true, prescribes no guide or directory under such circumstances. But ancient custom, founded on the obvious dictates of reason, had established in this respect an operative law. The clerk and his assistant, of the preceding year, were to act, and without any new appointment or induction, were authorized to continue or discharge their appropriate functions, until the names of other persons were regularly brought forward, and united with, or in other words, appointed. In accordance therewith, and in view of the condition of the meeting, and of the difficulty which existed, an aged member, (William Jackson,) who had attended more than sixty years, and had thus acquired experience, perhaps beyond any individual of the assembly, rose and stated, that "it had been always the practice for the old clerks to serve until new ones were appointed;" and he proposed to the meeting, "that the present clerks should be continued for that year." (Thomas Evans, vol. 1. Evid. 265.) Some difference of opinion occurred and was expressed, as to the course most eligible to be pursued. Some persons wished to refer the subject again to the representatives, for farther consideration. "Several of the representatives gave it as their opinion, there would be no advantage in so referring it, as there was not the smallest probability that they could agree. The first person who expressed this opinion, was one of those who have since" united with the meeting in Green street, "and he added, that although he should have been in favour of a change in the clerk, if it could have been satisfactorily accomplished, yet as that was not likely to be the case, he thought the meeting had better proceed with its business. Several others of the same party expressed similar sentiments. Meanwhile a considerable number of those" who remain attached to the Arch street meeting, "expressed their approbation of the continuance of the present clerks, and a minute *desiring the old clerks to continue to serve the meeting*," (Samuel Bettle, vol. 1. Evid. 63,) was made and read. "On the reading of the minute, some of those who" now belong to the Green street meeting, "still continued to object, when one of their number remarked, he believed it was the best thing the meeting could do, under all the circumstances, and advised them to submit to it, as he did not think it would make so much difference to them, as some of them might imagine. Similar sentiments were expressed by one or two others of that party, and all objections to the appointment having ceased, John Comly, the ~~assistant~~ clerk, was requested to come to the table. He did not immediately do so, nor until several of his friends expressed that they thought that the business of the meeting had better go forward." The usual business then proceeded. This view, is chiefly extracted from the testimony of Thomas Evans. It is fully sustained by the depositions of Samuel Bettle and Joseph Whitall, and is, in no material point, impugned by any contradictory evidence. Some other witnesses, who speak of these transactions, are not so full and minute in detail, and some, it is to be regretted, do not recollect the occurrences of very interesting moments; as, for example, one of them, speaking of the afternoon of the first day, and having related some of the events, added, "The meeting proceeded on that afternoon. I don't remember particularly what took place." (Halliday Jackson, vol. 2. Evid. 54.) In their opinions, in their inferences, in their feelings, we observe, as might be expected, a difference among the witnesses, but it is pleasing to meet with no such collision of facts, as to render necessary the delicate and arduous duty of weighing and comparing evidence.

It is however said, the greater number of the representatives wished to release the former clerk, and to nominate another in his stead; that a proposal was made to take their sense by a vote; and that this measure, which would have resulted in a majority for a new clerk, was prevented and defeated, by the conduct of those who sought to retain the services of the former officer.

One of the peculiar and distinguishing characteristics of this people, consists in their mode of transacting business and arriving at conclusions; in which, rejecting totally the principle that a majority, as such, is to rule, or decide, or govern, they arrive at an

unity of resolution and action, in a mode peculiar to themselves, and entirely different from that common to all civil or political, and to most ecclesiastical bodies. They look and wait for an union of mind; and the result is produced, not by a vote, or count of numbers, but by a yielding up of opinions, a deference for the judgment of each other, and an acquiescence or submission to the measure proposed. Where a division of sentiment occurs, the matter is postponed for farther consideration, or withdrawn or dismissed entirely; or, after sometimes a temperate discussion, and sometimes a silent deliberation, those who support, or those who oppose a measure, acquiesce in the sense of the meeting as collected and minuted by the clerk; and they believe the "spirit of truth," when the meeting is "rightly gathered," will be transfused through their minds, and they will be guided and influenced "by a wisdom and judgment better than their own," and that their clerk will be led to act under "the overshadowing of that power, which is not at his command, and which will enable him to make proper decisions." One of the witnesses examined on the part of Decow informs us, the clerk "collects, not by an actual count of numbers, or recording the yeas and nays, yet by an estimate of the prevailing sense, which the meeting, after discussion, usually settles with sufficient distinctness, one way or the other." (Charles Stokes, vol. 2. Evid. 249.) The account given by Clarkson, in his *Portraiture of Quakerism*, is represented to be correct, although never expressly recognized by the society. "When a subject is brought before them, it is canvassed to the exclusion of all extraneous matter, till some conclusion results; the clerk of the meeting then draws up a minute, containing, as nearly as he can collect, the substance of this conclusion; this minute is then read aloud to the auditory, and either stands or undergoes an alteration, as appears by the silence or discussion upon it, to be the sense of the meeting; when fully agreed upon, it stands ready to be recorded." (1 *Clarkson's Portrait. Quak.* 157.) The world at large, and especially those who have not closely observed the practical operation of these principles, in the peace and harmony and prosperity of the internal affairs of this religious community, may be strongly inclined to call in question their expediency. A republican spirit may see no just rule, but in the voice of a majority. A jealousy of power may suspect too much confidence in the fairness and candour of the clerk. But the conclusive answer to all such suggestions and suspicions is, that they are free to act as their judgments and consciences may dictate. We are not to interfere with their church government any more than with their modes of faith and worship. We are to respect their institutions, and to sustain them. Nor can any individual be hereby aggrieved. He is under no restraint to remain among them. Whenever he is persuaded that either their faith or their practice, does not accord with his own views of reason and Scripture, he is at liberty to leave them, and to seek elsewhere, more purity, more spirituality, more christian and Scripture order, more safety, more republicanism, or more peace. The constitution of this society, neither recognizes nor makes provision for a vote, or a decision on the principle of numbers, in any instance or predicament. The minutes and journals of the various meetings, not merely within the bounds of this yearly meeting, but within the pale of the whole society, do not furnish, so far as we are able to learn, a single record of a vote taken, or a count of numbers. The instances of reports made by the major part of committees, form no exception to the universality of this rule of action. Nor do the few, I say few emphatically, compared with the myriads of decisions standing on their records, nor do the few minutes, which industry has gleaned up, of expressions like these: "the greatest part of Friends think it best," or "it appears to be the most general sense," serve to show that a vote was taken, or that numbers, as such, prevailed, or that the minor part did not freely relinquish their views, and cordially acquiesce in those of the greater part. Let us, for example, look to the minutes of Chesterfield monthly meeting, of sixth month, 1691, because it is, of Chesterfield, and of very ancient date. "The building of the meeting-houses being taken into consideration, a meeting-house on this side is generally agreed upon to be built, and the greatest part of Friends think it best to have it at the grave-yard." Here is no allusion to a vote, nor anything to indicate that all did not acquiesce in what the greatest part thought best. Barclay, in his treatise on church government, gives the following explanation, and most pointedly condemns the rule of the greatest number. "The only proper judge of controversies in the church, is the spirit of God; and the power of deciding lies solely in it, as having the only unerring, infallible and certain judgment belonging to it; which infallibility is not necessarily annexed to any persons, person or place, whatever, by virtue of any office, place or station any one may have, or have had, in the body of Christ; that is to say, that any have ground to reason thus, because I am, or have been, such an eminent member, therefore my judgment is infal-

lible, or because we are the greatest number." (*Barclay on Church Government*, 78.) Hence, then, I think, we are not called to inquire how far the allegation as to the relative numbers of the representatives is correct, and we may justly dismiss from farther consideration, the objection that the old clerk would not have received a majority of votes. The very proposal to take a vote, was an overture to depart, and the consummation of it would have been a departure, from an ancient and unvarying practice, which had not only grown up to an overshadowing tree, but had its root in religious faith, and was nourished and sustained by religious feeling.

The inquiry, too, is of little importance, since, as I have shown, the omission of the representatives to agree in, and propose a nomination, only resulted in a continuance of the former officers, and did neither abridge, impair, nor destroy, the power of the meeting to provide for collecting and recording their acts and proceedings.

Let us, then, return to the yearly meeting. Here again it is said, a majority was opposed to the farther service of the former clerk, and his continuance contrary to their will, was not only an oppression of the few over the many, but was in fact a dissolution of the body. I am not able to say, from the evidence, if in anywise material, that even at the outset, this continuance was inconsistent with the wishes of the greater part of the meeting. But if such were the truth, it is abundantly shown, there was an acquiescence in the measure, even if an unwilling one. And this acquiescence was brought about by the agency and recommendation of some of those, who are now the members of the rival yearly meeting. The following facts are stated by the witnesses. "A proposition came from a leading member," (Joseph Whitall, vol. 1, Evid. 218.) After the minute was read, "one of their number expressed his belief it was the best thing the meeting could do under all the circumstances, and advised them to submit to it." (Thomas Evans, vol. 1. Evid. 266.) "One, and perhaps there were others, stated as their belief, it would be right, and encouraged his friends to accede to the proposition" for the continuance of the former clerks. (Joseph Whitall, vol. 1. Evid. 217.) "Efforts were made by persons, who have since" united with the Green street meeting, "to induce an acquiescence with the minute. At length, all opposition ceased." (Samuel Bettle, vol. 1. Evid. 69.) Here, then, might have been opposition and dissatisfaction at the outset. But it is clear there was an ultimate acquiescence. And it is too much for any one, especially for those who took an active and influential part in bringing about this result, perhaps we may say, actually induced the peaceful result, to make it the subject of complaint, or to insist that the existence of the body was thereby destroyed.

There is another fact worthy of much consideration, in looking into the propriety of these proceedings, which is, that no person, save Samuel Bettle, the former clerk, was proposed for the office. The importance of this circumstance in civil affairs, is thus shown in the recent American treatise on the law of corporations. "Where a majority protest against the election of a proposed candidate, and do not propose any other candidate, the minority may elect the candidate proposed." *Angel and Ames on Corp.* 67.

After all these events, I can have no hesitation in yielding to the entire and unqualified conviction, that the body remained in its pristine vigour, and proceeded to business as the Philadelphia yearly meeting of the society of Friends.

The other act, whereby it is said, the discipline was violated, the society separated, and the constitutional existence of the yearly meeting destroyed, is the appointment of a committee to visit the subordinate meetings.

It would be very difficult, I think, to demonstrate, that an act of this nature, if not warranted by the discipline, or even if inconsistent with it, could work such sweeping results. The purpose and authority of this committee, were simply to visit, counsel and advise the inferior meetings, with no power, whatever, to act upon or control the rights or interests of any one, save by measures of persuasion. How far the temper or motive which led to the appointment of this committee may have been reprehensible, I shall examine under another head. It is to the act alone, that my attention is now directed; and the act itself was, in its nature, harmless. Let us, however, look more closely into the circumstances. They are thus represented by one of the witnesses. "A proposition was brought from the women's meeting . . . to appoint a committee to visit the quarterly and monthly meetings. This called forth a great deal of excitement, . . . and great opposition was made to it. Even some few of the 'Orthodox' party themselves did not, at first, appear to approve of it. But there were others of that party that strenuously urged the propriety of such a committee being appointed, and as they seemed to understand one another pretty well, apparently, they pretty soon united in urging the measure. It was, however, strongly opposed by much the larger

part of the meeting, I cannot undertake to state the proportions, but I should think myself safe in saying two-thirds of those that spoke. But it seemed all of no avail, . . . and having a clerk at the table subject entirely to the dictates of his party, he made a minute and took down the names of the committee that were offered to him. No Friend, I believe, undertook to mention a name." (Halliday Jackson, vol. 2. Evid. 56.) Another witness gives the following representation. "At the last sitting on seventh day morning, a proposition was introduced from the women's meeting to appoint a committee to visit the respective subordinate meetings for their strength and encouragement. To this there was a decided objection made; some Friends then in the meeting and now attached to each of the parties, opposed it. The doubt of some was, that it had better not be decided at that time; with others, there was a decided opposition to the measure. At this junction, a Friend stated to the meeting the out-door proceedings, the private meetings, and opened the whole subject. It appeared to me, evidently, to create uneasiness and alarm on the part of those who had been concerned in those meetings; some of them called in question the accuracy of the statement that had been made, and seemed disposed to deny it; some did deny it; others, however, said that the general statement was correct, and acknowledged it. The propriety of appointing a committee under such circumstances, appeared so very obvious, that the opposition, in a great measure, ceased for that time; after which there was a greater and more general expression of unity with the measure, than" the witness, a clerk of several years' experience, "had often, if ever, seen or heard." "I had," says the witness, "been watching the course of events, as clerk of the meeting, to know how to act, and when all opposition had ceased, and it was very apparent it was the sense of the meeting that the appointment should be made, I rose and stated that I had had my doubts, when this proposition was first brought in, whether it was expedient to adopt it at that time, but as the servant of the meeting, it being manifestly its sense, I should now proceed to make the minute, and accordingly made it, and united with them in their views; and a committee was appointed pursuant to the minute." (Samuel Bettle, vol. 1. Evid. 69.) Whatever difference may be in these statements as to matters of opinion; whatever suspicions may have been enkindled; whatever motives or designs may be imputed, here is no substantial discrepancy as to points of fact.

Was, then, the appointment of such a committee, a novel, and therefore an alarming occurrence? More than one witness testifies, and no one denies, that it was an ancient custom of the society. (Samuel Bettle, vol. 1. Evid. 70. Halliday Jackson, vol. 2. Evid. 133.) Had the meeting power to make such appointment? Aside of the multitude of unquestioned precedents, a witness says, "during the discussion of the proposition, there was no suggestion of a doubt of the right and power of the yearly meeting to appoint such committee; the difference of opinion was confined to the expediency of making the appointment at that time." (Samuel Bettle, vol. 1. Evid. 70.) Was the purpose of the appointment laudable? It was to advise and counsel the inferior meetings, in the language of one of the witnesses, "for their strength and encouragement." And if the design was to prevent schism and separation, the end was, surely, commendable; and if the measures taken to attain it, were otherwise, the censure should rest on the committee, the agents, and not on the meeting, the constituents. Was partiality exercised by the clerk, or any other person, in the selection of the committee? No name which was proposed was rejected. Was there opposition to the appointment? Strong and decided at the outset. Was there, at length, an acquiescence? "A greater and more general expression of unity than usual," says one witness. "The opposition pretty generally, if not altogether ceasing," says another witness, "the meeting proceeded to appoint." (Joseph Whitall, vol. 1. Evid. 218.) Another says, "As all opposition ceased, a minute was made, and the committee appointed." (Thomas Evans, vol. 1. Evid. 268.) These matters of fact are, I believe, uncontradicted. One of the witnesses, indeed, intimates that the clerk made the minute, being subject entirely to the dictates of his own party. But the clerk, himself, whose veracity and candour are not only above reproach, but beyond suspicion, and who surely best knew his own motive of action, says, that though doubting at first the expediency of the measure, he made the minute, as the servant of the meeting, and because it was manifestly their sense that the appointment should take place.

Upon a careful examination of this measure, I can see nothing, either in the act itself, or in the manner of its inception, progress or adoption, subversive, in the slightest degree, of usage or discipline, and least of all, anything of such vital influence as to break asunder the bonds of union, disfranchise the meeting, deprive it of constitutional existence, disrobe it of ability farther to execute its ancient and appropriate func-

tions, or to release from their allegiance all those who previously owed fealty and submission to it.

These, then, are all the overt acts of the meeting, which have been made the subject of complaint. It would, however, be a great error to suppose that a session of five or six days was spent in these matters alone. Much other important business was transacted; all, I believe, it may be said, of the usual stated duties were discharged. Halliday Jackson gives the following brief, but satisfactory account of what was done. "The business of the yearly meeting was proceeded in; and the usual subjects that occupy that body, such as considering the state of the society from the answers to the queries that are brought up from the different quarterly meetings in their reports; the reading of the minutes of the meeting for sufferings; reading reports from the committee who stood charged with Westown school, and some other matters; which occupied the meeting through the week." (Vol. 2. Evid. 55.) Another witness says, "All the business usually transacted at a yearly meeting, was gone through with, and several acts consummated, which no other body than the yearly meeting of Philadelphia was competent to perform." (Thomas Evans, vol. 1. Evid. 267.)

Having thus reviewed what was done, we are now to turn our attention to what was not done by the meeting; for the latter as well as the former, has been urged as an act of separation and disfranchisement of the yearly meeting.

Certain subjects, regularly brought before that body, were not acted upon, but postponed. "When the reports," says one of the witnesses, "were taken, or the subjects contained in the reports, from the different quarterly meetings, which were considered as new matter; such as the account from the southern quarter respecting the meeting for sufferings, rejecting their representatives, and an application, I think, from Bucks' quarter, respecting the manner of choosing representatives to constitute the meeting for sufferings, together with . . . two cases that came up from Philadelphia quarter . . . They were all put by, and not acted upon, except the matter in relation to Leonard Snowden's case, which, if I remember right, was returned to the quarterly meeting. It seemed to be pretty generally understood, that the meeting was not in a qualified state, owing to the interruptions to the harmony that had taken place, to enter upon the investigation, or more properly, the consideration of these subjects." (Halliday Jackson, vol. 2. Evid. 55.) It should be observed in general, that these subjects were not the regular stated business of the meeting, but occasional or special. In this remark, I do not mean to deny or detract from their importance, or the propriety of their having, at a suitable season, the most careful attention, but simply to show their real nature and character; and that to act on or omit them could not touch any vital part of the constitution of this body. A much more important consideration, is that the disposition of these subjects, the course which was adopted and pursued in respect to them, was the united act, and according to the common wish, of all parties, of even those by whom, or through whose instrumentality, they were brought before the meeting. This important fact is denied by no witness, and is expressly declared by more than one. The statement of one I have just now given. Farther being asked, if the subject from the southern quarter was not dismissed at the suggestion of Robert Moore, a member from that quarter, he answered, "When that subject was brought before the yearly meeting, it was drawing towards the close of the week, and by that time it was evident the yearly meeting was not in a qualified state to act upon any important subject; and therefore, that subject, as well as two others, were dismissed without being much urged by Friends. I have not a clear recollection, but it seems to me, that Robert Moore did say something about that subject from the southern quarter." Being asked if the subjects from Bucks and Abington were not dismissed at the instance of John Comly, he answered, "I have no recollection of who spoke first on the subject; John Comly was sensible of the state the yearly meeting was in; and I can state what I have frequently heard John Comly say, that Samuel Bettie first suggested to him the propriety of having those subjects dismissed, all those subjects that came up in the reports, and wished John Comly to use his influence with his friends to have those subjects from Bucks and Abington dismissed, and he, Samuel Bettie, would use his influence with his friends to have that subject passed over that was coming up from Philadelphia quarter; which subjects, it was apprehended, would produce a great deal of excitement in the yearly meeting, and which Samuel Bettie feared the consequence of; but how far that influenced John Comly in favour of putting off those subjects, I cannot say." (Halliday Jackson, vol. 2. Evid. 132.) Another witness, Abraham Lower, being asked whether the propositions from Bucks and the southern quarter, were not disposed of, at the instance of members from those quarters respectively, and who, since the separation,

have joined that portion of the society with which he was in unity, answered, "I have no recollection of the members of those quarters making such a proposition, but I should think it quite probable." (Abraham Lower, vol. 1. Evid. 392.) And the same witness, in another place, testified, "as that yearly meeting was acknowledged not qualified to enter upon the matters brought up from the quarters, that case with others was concluded not to be attended to." (Abraham Lower, vol. 1. Evid. 373.) Samuel Bettle says he mentioned to John Comly, "Had you not better withdraw the proposition for a change . . . coming from Bucks, Abington, and the southern quarter? He said he thought so too, united with me fully in that view, and said they had better be withdrawn, as it was not likely they would ever be adopted, and would only occasion confusion and difficulty. The propositions, when again brought before the meeting, were withdrawn by common consent." (Samuel Bettle, vol. 1. Evid. 69.) Thomas Evans testifies thus, "Those subjects were all connected with, or had grown out of the controversy, respecting the doctrines of Elias Hicks, and as there was a general understanding that his friends were about to separate and form a society of their own, those subjects were at their suggestion, or by their consent referred to the meetings from which they had come, or suspended." (Thomas Evans, vol. 1. Evid. 276.) "In the disposition of these subjects, there was a united conclusion of the meeting, after as full an expression of opinion as is usual; and those that took part in this business, some now belong to the new meeting, and others remained with the old society, and participated with the deliberations of the meeting which led to those conclusions." (Samuel Bettle, vol. 1. Evid. 87.)

Thus, then it appears, these omissions took place, certainly with the consent, and probably, at the request or upon the suggestion of the very persons who now complain. Under such circumstances, this measure, by no means unusual, for Abraham Lower testified that he has known cases brought to the yearly meeting and laid over for the consideration of the next, does not afford ground for censure, much less for annihilation, and least of all on the objection of those who, if they did not actually bring it about, were consenting thereto.

But, it is said, the meeting was not in a qualified state to enter upon the consideration of these subjects. What then? Was this unqualified state peculiar to one portion, or common to all? Was the meeting thereby dissolved? If wanted harmony ceased to prevail, if the minds of the members had become so sensitive on particular points that the introduction of them would produce agitation and excitement, unfavourable to cool, deliberate and dispassionate investigation and decision, it was the part of prudence, of christian forbearance, of enlightened reason, of patience and meekness, and of that spirit of peace and submission which, may I not say without offence to others, so eminently characterizes this religious denomination, to wait in humble expectation of the overshadowing of that Power who can say, as well to the stormy passions of the human breast as to the torrent and the whirlwind, "Peace, be still." But if such a state of things be a dissolution, no human society can be held together, and attempts at order and government, instead of the means of curbing, and restraining, and controlling the wayward passions of man, do but afford him the opportunity of giving them extended and unbridled influence and action.

Besides these considerations, which are, I trust, sufficient, conclusively to sustain the meeting in its constitutional existence, there are some others, founded on the acts and conduct of the members, and the component parts of the society at large or the subordinate meetings, which incontrovertibly evince the acknowledged existence of the meeting, and its direct recognition as such, not only during its session, but after it had closed its services for the year.

John Comly, and I feel at liberty to refer to him, though an individual, from his eminent standing and distinguished character, both private and public, as a man and as a minister, as well as from the prominent part he bore in the transactions which attended the separation in this society. John Comly acted throughout the meeting, from the commencement to the close, as its organ, as an officer of the yearly meeting of Philadelphia. He did, indeed, request to be excused from serving in that capacity. But the fact remains that he did serve, and the reasons that he gave for being inclined to withdraw, strengthen the inferences to be deduced from the fact. Few men are, I believe, more distinguished for purity, candour, and every other virtue. Did he say, I cannot serve this meeting, because I am not lawfully and rightly appointed an assistant, and to act as such, would be, in me, usurpation and oppression? Did he say, he had been recorded as assistant "in opposition to the voice of the larger part of the meeting?" Did he say, "the hedge was broken down;" the meeting was disorganized, a

revolution had occurred, there was no longer a yearly meeting, but the society was dissolved into its original elements? Halliday Jackson testifies thus: "The next morning, I believe, John Comly did not take his seat at the table, at the opening of the meeting, as usual." In this particular, perhaps not a very important one, the witness afterwards corrected himself, and said he believed Comly took his seat at the table by the side of the clerk, when he first came into the meeting, (vol. 2. Evid. 132) "but soon after, he got up, and made a very forcible appeal to the yearly meeting. I think he regretted the state and dilemma into which the yearly meeting appeared to be brought; that there were two parties, evidently two parties, that appeared to be irreconcilable to each other, and therefore not qualified to proceed in the weighty concerns of a yearly meeting under those trying circumstances, and proposed that the yearly meeting might adjourn, and Friends endeavour to get cool and quiet in their minds, and that possibly they might be favoured to come together again at some other time, and be more in harmony. . . . And although John Comly expressed his uneasiness at acting as assistant clerk, at the request of some of his friends, and some of the other party, also, he submitted again to go to the table." (H. Jackson, vol. 2. Evid. 54.) Other witnesses state the transaction, not differently, though somewhat more fully. "On third day morning, immediately after the opening minute was read, John Comly rose and stated, that he had mentioned at the previous sitting, that he should go to the table in condescension to the views of his friends, and that it was in that feeling that he was now there; that the meeting was divided into two distinct and separate parties, and that under present circumstances those parties were irreconcilable; that each of these parties was striving for the mastery, and that if either of them gained the ascendancy, it must be to the grievance and oppression of the other. He therefore proposed that the meeting should suspend all further business, and adjourn; but if the meeting was resolved to proceed in its business, at all hazards, he could not conscientiously act as the organ of a meeting made up of such conflicting parties, and must therefore request to be permitted to retire. His proposal . . . was but feebly supported. . . . His party strongly objected to his leaving the table, urged his continuance, and that the meeting should now proceed with its business. John Comly then rose and stated, that as he found the meeting was not prepared to adjourn, he was willing, after the usual expression of approbation, to determine the sense of the meeting on his remaining at the table, so to continue, and to proceed with the business." (Thomas Evans, vol. 1. Evid. 266.) "He took his seat, prepared to act, and the business did progress, he acting as usual, without making any farther objection on his part." (Samuel Bettie, vol. 1. Evid. 69.)

Having seen the conduct of this very active and very useful member, as he is called by one of the witnesses, (Abraham Lower, vol. 1. Evid. 392.) let us briefly advert to that of the other members of the meeting, who now belong to the meeting in Green street.

Their urgency that John Comly should act as assistant clerk, and that the business of the meeting should proceed, has just been mentioned. "The yearly meeting of 1827, was entirely conducted as it had been on previous occasions." (Samuel Bettie, vol. 1. Evid. 94.) "During that meeting, persons who have since joined the other meeting, were appointed on committees, and took an active part in the concerns of the meeting throughout." (*Ibid.*) In the afternoon of the first day's meeting, some of the friends of John Comly "expressed, that they thought the business of the meeting had better go forward." (Thomas Evans, vol. 1. Evid. 266.) During all the remaining sittings of the yearly meeting he [John Comly] and his friends continued their attendance, took part in its deliberations, assented or dissented from its conclusions, as opinion led them, and addressed it as the yearly meeting of Philadelphia." (Thomas Evans, vol. 1. Evid. 267.) "During the last hour of the sitting, all the proceedings were read over, as is usual, at the close of the yearly meeting; no objections were made by any one, to any part of the minutes; the concluding minute was also read, adjourning the meeting until the next year, at the usual time and place, if the Lord permit." This conclusion is the form common on such occasions. "After this minute was read, a considerable pause ensued; there was no objection made to it, and Friends separated from each other in the usual manner." (Samuel Bettie, vol. 1. Evid. 70. Thomas Evans, vol. 1. Evid. 268.) "Those who have since" joined the Green street meeting, "were generally present at the time of the adjournment. The yearly meeting was as large and numerous at the last sitting, as at any sitting during the week." (Joseph Whittall, vol. 1. Evid. 218.)

One of the transactions of this meeting deserves, in the present connexion, particular

notice. "There was one matter before the meeting which was of a humane and benevolent character, that Friends, perhaps of both parties, were pretty much united in." (Halliday Jackson, vol. 2. Evid. 56.) "That was to raise three thousand dollars to aid our brethren in North Carolina, in removing out of that state, many hundred coloured people, eight or nine hundred of them at least, who were under the care of the Carolina yearly meeting, and whose liberties were in jeopardy, unless they removed out of the state. This sum it was proposed should be raised by the different quarterly meetings, in the usual proportions. This was entirely united with; not a single dissentient voice; a great many expressing their views, and a minute was made, directing the quarterly meetings to raise the money and pay it to Ellis Yarnall, the treasurer of the yearly meeting. The quarterly meetings that compose the yearly meeting, all assembled, and in conformity with the direction contained in the extract from the yearly meeting, raised their quotas of the three thousand dollars, and paid it to Ellis Yarnall, the treasurer." (Samuel Bettie, vol. 1. Evid. 70.) Chesterfield preparative meeting bore its wonted part. This transaction is of an unequivocal character. The resolve was an act, not of private or individual benevolence, but of the meeting in its collective capacity. The recommendation, by the extract, was such as that meeting alone could perform. All, we are told, united in it. Not a dissentient voice. It was received by the several quarterly meetings as an act of the yearly meeting, and carried into effect as such, and the moneys were transmitted to the treasurer; thereby making, after the close of the yearly meeting, a direct recognition of its existence and authority. The effect of these circumstances cannot be weakened by the "humane and benevolent character" of this work of charity. It was indeed proof of a noble and munificent spirit. But suppose the General Assembly of the Presbyterian Church, or the Protestant Episcopal Convention, had sent missives or extracts to the quarterly meetings enjoining the donation, and to make their treasurers the channels of conveyance, would the call have been obeyed?

I do not pause to answer, but proceed to the consideration of another of the heads into which this case has been divided, the designs, plans, views, feelings, and acts of individual members of the society, and under this head shall notice, so far as I think it necessary, the conduct of subordinate meetings, and of what has been called the dominant party.

And here I make some general remarks, which indeed in my judgment, furnish an answer, a decisive answer, to many of the conclusions which have been drawn or suggested from the facts which, on these points of the case, appear in evidence.

First. Our concern is with the yearly meeting in its collective capacity. Our purpose is to ascertain whether that body holds or has ceased to hold, a legal existence; whether the body which met on Arch street, and continued and closed its session there, in April, 1827, was the constitutional yearly meeting of the society? Whether the yearly meeting then assembled, performed its functions and adjourned? or whether that assemblage, at its opening, in its progress, or at its conclusion, ceased to be the ancient and legitimate yearly meeting? Whether the venerable edifice remained, or its place exhibited only a deplorable pile of ruins.

Second. As such, then, are our concern and purpose, we have little to do with the causes of division and separation, about which so much has been said and written in the course of this cause, or with the division and separation, except so far as they may operate on the legal existence of the assemblies of this society. A separation has, indeed, taken place. Those who formerly offered their sacrifices on a common altar, now no longer worship or commune together. Many who once went up to the ancient temple have left it, and go up to another mount. They had the right to do so. Our civil and religious liberty, whereof we have such just reason for congratulation and gratitude, left them free from all restraint, save conscience and the divine law. We are not here to approve or condemn them, nor to inquire into their motives, nor to estimate their strength, or their purity, or their consistency with the light of truth whereby all profess to be guided. I wish to judge no "man's servant. To his own master he standeth or falleth." I hope to be able to continue and close this investigation, without any inquiry into religious faith or opinions. Not that I doubt the power of this court. For while I utterly disclaim the idea that this court, or any court, or any human power, has the right to enforce a creed, or system of doctrine or belief, on any man, or to require him to assent to any prescribed system of doctrine, or to search out his belief for the purpose of restraining or punishing it in any temporal tribunal, I do most unqualifiedly assert and maintain the power and right of this court, and of every court in New Jersey, to ascertain, by competent evidence, what are the religious principles of any

man or set of men, when, as may frequently be the case, civil rights are thereon to depend, or thereby to be decided. In a greater or less degree it is done daily. Who avail themselves of it more frequently than the society of Friends, when, on the ground of religious faith, they claim and enjoy an exemption from the use of an oath in our courts of justice? How far, then, this separation may have been proper, or whether the causes of it will stand the scrutiny, which, in the great day of account, they must undergo, we are not to resolve. Its effect on this society and the ancient assembly, is the outermost bound of our inquiry.

Third. Inasmuch as our research, properly and almost exclusively relates, as I have endeavoured to show, to the yearly meeting in its collective capacity, it is of little worth to inquire into the plans, designs, or views of individuals, or even the acts, of inferior bodies, since these, however incorrect, or hostile, or indefensible, can have no great influence on our main pursuit; for if individuals were ambitious, not lowly, arrogant, not humble, domineering, not submissive, and were destitute of the mild and forbearing spirit of Christianity; if a party had sprung up, resolved, as was said, "to rule or to rend;" if even monthly or quarterly meetings had violated the wholesome rules of common discipline, it by no means follows that the bonds of the society were broken, their compact dissolved, their discipline at an end, their constitution destroyed, and their existence annihilated. Such a government is a mockery, a pretence. It has not the consistency of even the mist of the morning. The plain and irresistible truth, that such a government, so wholly unadapted to the condition of mankind, could not exist, abundantly proves that such principles are unsound. The basis of all government, is the truth taught by every page of history, that turbulent passions will arise, that acts of violence will be committed; and the purpose of government is to control, to regulate, to repress, to remedy such passions and conduct. If otherwise, the edifice is built of such stuff as dreams are made of, and is as unsubstantial and as little to be valued as a castle in the air. If the state of Georgia should disregard the decision of the federal judiciary, or even resist the executive power of the United States, is the constitution dissolved? If designs exist in South Carolina "to rule or to rend," our government, surely, is not therefore annihilated. It may be said, these are but parts, small parts of the Union. Is it not in like manner said, the adherents of the Arch street meeting are a minority, a small minority? Gough, in his history, makes this judicious and appropriate remark. "The independency claimed by the discontented party, is incompatible with the existence of society. Absolute independency in society being a contradiction in terms." § *Gough's Hist.* 24.

This view of the subject would, I think, excuse any examination in detail; yet to see these principles in their practical application, as well as farther to illustrate the matter, and to leave if possible, nothing without notice, which is urged as bearing on the result, I shall briefly advert to some of the prominent topics of dissatisfaction and complaint.

"The most prominent cause of" the division in the society, "of a public nature, I consider to be," says one of the witnesses, (Abraham Lower, vol. 1. Evid. 354.) "the public opposition or disrespect, manifested by the members of Pine street monthly meeting, by the agency and influence of Jonathan Evans, in breaking up the men's meeting, or closing it, whilst Elias Hicks was, with the consent and approbation of that monthly meeting, engaged in the women's department in the prosecution of his religious concern." The occurrence took place "between 1819 and 1821." (*Ibid.*) Now, if a prominent member of that meeting was guilty of rudeness or impropriety, it is plain, that he should have been individually dealt with, brought to confess his error, or disowned. If the meeting, as such, acting from his example or under his influence, were guilty of censurable disrespect, "such meeting ought" to have been required "to render an account thereof." I use, here, the words of the book of discipline, the meaning of which is well understood. But it is claiming too much, to assert, that the society is thereby rent asunder, when no measures to punish the offenders were ineffectually assayed, when years have shed their healing influence over it; or that the religious rights and privileges of all the other meetings and members, within a large district of territory have been jeopardized, and the subsequent sessions of the yearly meeting been unwarranted, and their acts usurpation and oppression.

Another complaint against individuals, and against the meeting for sufferings, is called "an insidious effort to palm a creed upon a society which never had a creed." (Abraham Lower, vol. 1. Evid. 369.) The affair is thus represented by the witness who uses the expression I have quoted. "The minds of some of the members of that meeting appeared to be anxious that something should be done, to keep the minds of

the members of the society from imbibing sentiments which seemed to be growing common among its members. The suggestion was made to get up a pamphlet, to be composed of extracts from the writings of our early Friends, and from what some of us saw of the disposition of those persons, who have since denominated themselves 'Orthodox'.... we felt afraid that something was about to be got up, calculated to trammel our conscientious rights, and when the pamphlet was prepared, a small number of us expressed our dissatisfaction with the undertaking, and with the matter of the pamphlet, fearing, that in the hands of arbitrary men, a construction might be given to some of the views in that pamphlet, that would abridge the right of private judgment.... there were, I think, ten thousand of them printed.... but it was detained, not published. And when the minutes of the meeting for sufferings came to be read as usual, in the yearly meeting, to my surprise, that pamphlet appeared to be recorded on the minutes, and when it was read, the yearly meeting appeared very much dissatisfied with it. It was proposed, and generally united with, and so expressed, that it should be expunged from the minutes of the meeting for sufferings.... It was finally left, with the conclusion that it should not be published. It was considered in the light of a creed, and that by this course of leaving it on the minutes of the meeting for sufferings.... that when the minutes should be read in the yearly meeting, and that as a part of them, that it would be adopted by society, foisted upon them in that insidious way." (Abraham Lower, vol. 1. Evid. 368.) On the other side, the following representation of this affair was made. "It has been the custom of the society, whenever any of its doctrines or testimonies are misrepresented in works that are published, to endeavour to induce the editors of those works to give the views that Friends hold in respect to the doctrines thus misrepresented. In the year 1822, there was a discussion in a public paper, printed at Wilmington, conducted under the signatures of Paul and Amicus; Paul attacking Friends, and Amicus speaking in their behalf, and in a manner too, which showed that he was speaking for the society, clearly. After this discussion had progressed for a considerable time, Amicus avowed doctrines, as part of the Christian faith, which we could not accord with; they appeared to be of a Socinian character, at least. These essays being about to be reprinted in form of a book.... the meeting for sufferings, in the regular order of their proceedings did.... notice it, by appointing a committee.... The committee pursued the usual course.... prepared a statement of what were the views of Friends.... making extracts from various approved authors. The meeting united with the report of the committee, and made a minute on the subject. The editor did publish the minute in his paper, but declined saying anything on the subject in his book. The meeting were under the necessity of publishing these extracts themselves, and did print an edition of it. In the yearly meeting of 1823, when the minutes of the meeting for sufferings were read, considerable objections were made to that part of the proceedings.... The excitement being considerable, the meeting adjourned until the next morning. When the meeting assembled the next morning, it was proposed that the extracts should be stricken off the minutes of the meeting for sufferings; objection was made to that, on the ground that it would be a disavowal of the doctrines held by Friends, these extracts being taken from the writings of approved Friends.".... It was "proposed to them to avoid both difficulties by simply suspending the publication, not taking it off the minutes, and not circulating the pamphlets, but leaving the subject. This proposition was finally acquiesced in, and the business so settled." (Samuel Bettle, vol. 1. Evid. 72.) How far this explanation may serve to show that the measure was in conformity with ancient custom, and called for by the exigency of the occasion; or how far it was an insidious effort to impose a creed; or how far the fear was well founded that an attempt was made to trammel conscientious rights, or to abridge the right of private judgment, I shall not undertake to decide. It is enough to say, that if such a design existed, if such an effort was made, the design was frustrated, the effort was defeated; and the authors of it met with a just, though silent rebuke. But the attempt did not impair the solidity of the yearly meeting to which it was proposed. I cannot believe that the proposal, by a committee of congress, of an unconstitutional or oppressive law, would annihilate that body, or abrogate the constitution. The wildest and most visionary theorists would not, I believe, venture on such bold and untenable ground.

This matter, of religious faith and doctrine of a creed, has directly or indirectly filled up a large portion of the volumes of evidence before us, was the subject of many remarks in the arguments of the counsel at the bar of this court, has been the cause of much anxiety and alarm; and misunderstandings in respect to it, have, I doubt not, had great influence in bringing about the lamented rupture in this most respectable

society. I fear the matter has been greatly misunderstood, if not greatly misrepresented. This society has, and from the nature of things, must have, its faith and doctrines, its distinguishing faith and doctrines. They would, unhesitatingly, repudiate the tenets of Confucius, of Bramah, or of Mohammed. They believe "in Christ and him crucified." They bear both public and private testimony of their faith. They have repeatedly declared it, and published it to the world. They have a confession of faith, and a catechism. A declaration of faith was issued on behalf of the society, in the year 1693, was approved by the morning meeting of London, and published by the yearly meeting of Philadelphia, in or about 1730. It is, I suppose, the same which is to be found in Sewell's History, (vol. 2. 472.) It purports to be "a declaration of what our Christian belief and profession has been and is," and contains an exposition of belief, in respect to Jesus Christ, his suffering, death, and resurrection, and the general resurrection of the dead, and the final judgment. Sewell, (vol. 2. 483.) gives what he calls "a confession of faith," which was, by George Whitehead and others, presented to parliament, in December, 1693, and begins thus, "Be it known to all, that we sincerely believe and confess." The yearly meeting, as early as 1701, by their direction and at their expense, circulated Barclay's Apology, and his Catechism and Confession of Faith, as containing the doctrines and tenets of the society of Friends. What is a creed but an exhibition of faith and doctrine? Why, then, should the tocsin now be sounded among a people, who, a well-informed member tells us, have more frequently than any other religious community, exhibited to the world their principles and their faith? Were the early Friends less anxious for the cause of truth, less jealous of encroachment on their religious freedom, less willing to bear testimony against error and to suffer for their testimony, less prompt to discern insidious efforts, less fearful of attempts to trammel conscience or abridge the right of private judgment? The observations of Robert Barclay, in a Treatise on Church Government, published under the sanction of the society, and several times printed by the yearly meeting of Philadelphia, (Thomas Evans, vol. 1. Evid. 304.) are fraught with so much good sense, practical wisdom, and genuine piety, that they cannot be too frequently pondered by all, of every name or sect, who feel an interest in the cause of religious truth and order. "Whether the church of Christ have power in any cases that are matters of conscience, to give a positive sentence and decision, which may be obligatory upon believers. I answer affirmatively, she hath; and shall prove it in divers instances, both from Scripture and reason; for, first, all principles and articles of faith which are held doctrinally, are, in respect to those that believe them, matters of conscience. . . . Now, I say, we being gathered into the belief of certain principles and doctrines, without any constraint or worldly respect, but by the mere force of truth on our understanding, and its power and influence upon our hearts, these principles and doctrines, and the practices necessarily depending upon them, are, as it were, the terms that have drawn us together, and the bond by which we became centered into one body and fellowship, and distinguished from others. Now, if any one or more, so engaged with ~~us~~, should arise to teach any other doctrine or doctrines, contrary to these which were the ground of our being one, who can deny but the body hath power in such a case to declare, *this is not according to the truth we profess*, and, therefore, we pronounce *such and such doctrines to be wrong*, with which we cannot have unity, nor yet any more spiritual fellowship with those that hold them. . . . Now, this cannot be accounted tyranny and oppression. . . . Were such a principle to be received or believed, that ~~in~~ the church of Christ no man should be separated from, no man condemned or excluded the fellowship and communion of the body, for his judgment or opinions in matters of faith, then what blasphemies so horrid, what heresies so damnable, what doctrines of devils but might harbour itself in the church of Christ? What need then of sound doctrine, if no doctrine make unsound? . . . Where a people are gathered into the belief of the principles and doctrines of the gospel of Christ, if any of that people shall go from their principles, and assert things false, and *contrary to what they have already received*, such as stand and abide firm in the faith have power . . . to separate from such, and exclude them from their spiritual fellowship and communion." (Barclay's Anarchy of the Ranters, 53, &c.) On the present occasion it is not my purpose, because for the determination of the controversy before us, I do not find or deem it necessary, to inquire whether the society of Friends can, or may, or will, according to their rules, disown a member who holds unsound or heretical doctrines, who should disavow all the essential principles of Christianity, and profess to believe that Jupiter, and Mars, and Apollo, and the fabled deities of Olympus, are the true gods, or that the "blood of bulls and of goats should take away sins," but simply to show that the society, as such, have their

faith, their principles, their doctrines, their peculiar faith, their distinctive principles, their characteristic doctrines, without which a man may be a heathen, a Mohammedan, or even a Christian, but cannot be one of the people called Quakers. Can I mistake in this, when I read such a passage as I have quoted from Barclay, a standard of the society, acknowledged, received, revered as such? What is his work just named, what is his "Apology," but an exposure of doctrine, of principle, of faith, of the doctrine, principle, and faith of the Friends, avowed by them, published by them, resorted to by them as their light and guide in the hours of darkness, and doubt, and difficulty; in those trying hours, which come to them as they come to all men of religious feeling, when the light within needs oil, and the flickering flame of hope to be made steady and brilliant. Can I mistake, when the book of discipline, with uncommon solicitude, requires each preparative meeting of ministers and elders no less than three times in every year, to certify to its quarterly meeting, in answer to one of the queries, "whether ministers are sound in word and doctrine?" Soundness is a relative term, meaning freedom from error and fallacy, and necessarily requiring some standard whereby the word and the doctrine may be judged. The doctrine to be sound, must be conformable to some standard; and does not the query, then, assert that a standard exists in this church; and that thereby the doctrine of the minister, may, by his fellow man, be compared and tried? If, however, I may mistake in thus reverting to these venerated sources, let us, for a moment, recur to the evidence. Abraham Lower, (vol. 1. Evid. 369.) says, in connexion with this subject, "The society believing now, as they did in the first foundation of it, that the bond of union, by which it was bound together, was and is, 'the life of righteousness.'" Is not here a direct assertion, that there is a belief, and a belief not merely of individuals, but of the society as such? And he refers for an exposition, published and expressed, to the author and the book from which I have just quoted. In this connexion, I recur farther to the first document emanating from Green street, dated fourth month, 1827. "Doctrines held by one part of the society, and which we believe to be sound and edifying, are pronounced by the other party to be unsound and spurious." Now, I may be allowed to ask, why speak of doctrines, if the society, as such, has no concern with them? How are doctrines ascertained to be unsound and spurious, or sound and edifying, if there be no standard of faith and doctrine—no creed? Why should this difference or departure from a sound belief, be made a subject of complaint? How is such a denunciation to be reconciled with the alarm at a ~~creed~~, or the dreaded attempt to control conscience and abridge the right of private judgment?

The meeting for sufferings, by the rejection of certain persons, appointed by the southern quarter as representatives, are charged to have given "reason to apprehend that they were determined to control the operations of the society according to their wills," and to have furnished "evidence of their having dissolved the compact, and so far as their own influence extended, and their own acts could extend, separated itself from the society." (Abraham Lower, vol. 1. Evid. 370.)

The meeting for sufferings is a subordinate department for the business of this society, and especially to exercise care during the intervals between the sessions of the yearly meeting. If this body did improperly reject the representatives, if in this respect they violated the discipline, it is very obvious that their act, their unconstitutional act, could impart no censure whatever to the yearly meeting, much less destroy its existence. But the design, the motive, the ambitious and domineering spirit, which induced this conduct, these are, we are told, the consuming fires. The state of the case is shortly thus: The meeting for sufferings is composed of twelve Friends appointed by the yearly meeting, and also of four Friends chosen out of each of the quarterly meetings; and the book of discipline provides, that "in case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their declining or neglecting their attendance for the space of twelve months, the meeting for sufferings, if it be thought expedient, may choose others in his or their stead, to serve till the time of the next yearly meeting, or till the places of those who have represented the quarterly meetings shall be supplied by new appointments." (Book of Discipline, 55.) In the year 1826, the southern quarterly meeting resolved to release two of the persons, who were then sitting as members of the meeting for sufferings under their appointment; and appointed others. The meeting were of opinion that such a measure was not contemplated by the discipline; that the quarter had a right to fill, but not to create vacancies; and that the only case which constituted a vacancy and called for a new appointment, was death, resignation, or neglect of attendance; neither of which then existed. The meeting for sufferings appointed a committee to

confer with the quarterly meeting. The latter adhered to their resolution. The case was forwarded to the yearly meeting of 1827 for their care, and was one of those, which, as already mentioned, were postponed. (Exhib. No. 47, vol. 2. Evid. 477.) Here, then, appears to have been a difference of opinion, on the construction of a clause in the Book of Discipline, respecting the power of the quarterly meeting. Without undertaking to decide which is correct, there was certainly room enough for a diversity, and I can see no reason, either in the relation of the witnesses, or in an examination of the controverted clause, to doubt that the opinion entertained by the meeting for sufferings, was honest and sincere, and not feigned or fraudulent; more especially if, as alleged, it was sanctioned by a practice of seventy years, coeval with the existence of that meeting. Now an honest diversity of opinion as to constitutional powers, could not "dissolve the compact;" nor could the act of the meeting, in sending a committee to confer with the quarter, nor even their omission to yield to the determination of the quarter, until the matter could be investigated and decided by the ultimate and competent tribunal, the yearly meeting. But in whatever light we may view this matter, it is, as already observed, the act of the meeting for sufferings, not of the yearly meeting. The course pursued by the latter, and the reason of that course, have been already mentioned and considered. If, indeed, "this circumstance" had produced, as is said by one of the witnesses, (Halliday Jackson, vol. 2. Evid. 48.) "as great a sensation throughout the society as, perhaps, any other circumstance that occurred previously to the yearly meeting of 1827," there needs be no surprise that this meeting should not be in a state to take it under consideration; and the propriety of a postponement until time should have shed its calming influence, and the consistency of this course with the avowed principles and frequent practice of the society of Friends, are very manifest.

The remarks which I have made on these cases, selected by way of example, and for the sake of illustration, render it unnecessary that I should particularly notice, or enter at large into the statement or consideration of others of the same general character. If the principles which I have endeavoured to establish, and have applied to these cases, are correct, the others can have no greater influence on the question of the continued existence of the yearly meeting.

Another point has been decidedly taken, on the part of those who maintain the dissolution and reorganization of the ancient yearly meeting, and which I have shortly, under this head, expressed by the phrase, "feelings of individuals." It is more at large explained, in the first public document issued from the meeting in Green street, thus: "The unity of this body is interrupted; a division exists among us, developing views which appear incompatible with each other, and feelings averse to reconciliation." Now admitting this to be true, and it may, perhaps, be rather to be lamented than denied, that such incompatible views and averse feelings existed in both parts of this body; what consequence can fairly, legally, upon any practical principles of human action, result to the existence of the meeting, and the connexion of the society? What consequence, on the pacific principles always maintained among the Friends? If time, charity, a recollection of the common sufferings of themselves and their ancestors; if prayer and supplication; if the smiles of the Great Head of the church universal, would not change and reconcile these views, reverse and soothe these feelings, then might those who thought "the period had fully come when they ought to look towards making a quiet retreat," have justly said to the others, "Let there be no strife, I pray thee, between me and thee, between my herdsmen and thy herdsmen, for we be brethren! Separate thyself, I pray thee, from me; if thou wilt take the left hand, then I will go to the right; or if thou depart to the right hand, then I will go to the left." But without even an attempt at such a voluntary separation, I can see no safe principle, which will entitle a portion of those who entertained such views and feelings, on account of their existence and prevalence, to disfranchise the rest, to declare the ancient meeting dissolved, the society broken up into its individual elements, and then proceed to erect among themselves a new body, and declare it the society of Friends, and its meeting, not merely a new yearly meeting, but the ancient and legitimate yearly meeting, not a new yearly meeting, but the meeting resettled on its ancient foundations and principles.

If a portion of this religious community found, or believed to exist, in another portion, such feelings and views as rendered it impracticable for them any longer to fraternize, any longer peacefully, harmoniously and profitably to meet and commune and worship together, a very sufficient reason in conscience, may have been thereby afforded them to withdraw, to make "a quiet retreat;" and the principles of the government under which we have the happiness to live, would have sustained them in the measure,

and allowed them to join any other religious community, or form another association, of whatever name, for religious purposes. But the existence of such feelings and views would not deprive those who remained of their ancient name, rights and privileges, if they retained their ancient faith and doctrine, maintain their wonted testimonies, and adhered to their ancient standards; nor would the act of withdrawal, even if by a majority, confer on them the form and name, the power and authority of the ancient community. In like manner, if a portion discovered in the rest, or in some of the more influential members, a determination "to rule or to rend," although hereby, in conscience, a sufficient reason to excuse or justify a withdrawal might be found, yet could not even a majority carry with them the power and authority and rights of the whole, unless the disposition or determination had been carried out into overt acts: for, of the latter only can men judge, or be judged by their fellow men, while of the former, he alone can take cognizance, who knoweth the secrets of all hearts.

I have thus endeavoured to examine and weigh, in detail, or by its principles, every argument which I have either heard or read, to prove that the body which sat in Arch street meeting-house, in April, 1827, was not, or ceased to be the Philadelphia yearly meeting of Friends. The position is not maintained. At the closing minute, that body was the ancient legitimate yearly meeting as fully as during the forenoon sitting of the first day, or as it had been at any point of time since the year 1685.

If this be true, if the body which then closed its functions for the time, in the usual manner, and by the ancient minute, was the legitimate body, it is enough for the present occasion, nor need we look at its future history, because the new body, which claims its power and place, assembled in the course of a few months, and before the recurrence of the next annual period. It may not, however, be unprofitable to state in this connexion, as appears from the evidence, that in the year 1828, and since, annually, at the wonted time and place, meetings have been held, of such as have thought proper to attend, of the acknowledged members of the ancient society, who have not been disfranchised by any act of any tribunal, claiming to represent the society of Friends, or to possess or exert any power of disownment.

If the body which thus held and closed its session, was the regular, constitutional yearly meeting, it follows, as an inevitable consequence, that the assembly which convened in October, of the same year, in Green street, could not be, whatever name it may have assumed, the ancient legitimate yearly meeting, the common head and centre of the subordinate meetings, and of the society of Friends in New Jersey and Pennsylvania. One meeting being in life, another of the same powers, rights, and jurisdiction, could not, according to the discipline of the society, according to the simplest elements of reason, according to the immutable rules of action, which must govern and control all human assemblages, of whatever nature, and whether religious or civil, according, indeed, to the avowed doctrines of the pleadings in this cause, and the consentaneous declarations of counsel, a second, a subsequent meeting could not be set up within its bounds. The yearly meeting, having convened and closed in April, 1827, could not again convene, nor could any body, possessing its powers and authorities convene, until the same month of the succeeding year, 1828. The place of meeting was fixed by the voice of the yearly meeting, which alone had the authority in this respect, and alone could change it. The time was directed by the constitution or book of discipline, to which we have had so frequent occasion to refer. The time could, indeed, be altered by the yearly meeting, but by it alone. There was no adjournment made by the yearly meeting, to a shorter day than the annual period. There is no provision in the constitution for an intermediate, or as it is commonly denominated, a special meeting; nor is authority given to the clerk, to any portion of the members, or invested any where else, to call such meeting. Hence it clearly follows, that according to the constitution, the yearly meeting could not again assemble until 1828; and no body, of whomsoever consisting, or of whomsoever composed, which may have convened in the intermediate period, could, conformably to the constitutional principles, be the Philadelphia yearly meeting.

We learn, however, from the evidence before us, that on the nineteenth, twentieth, and twenty-first days of April, during the yearly meeting, and after its close, a number of Friends met together to confer on the state of the society. They resolved to meet again, and accordingly did meet, in the sixth month of that year, and then recommended that a yearly meeting should be held, on the fifteenth day of the ensuing month of October. A meeting was held at the Green street meeting-house. And this meeting is said by Stacy Decow, in his answer to the bill of interpleader, to be "the true and legitimate yearly meeting of Philadelphia," and by one of the witnesses, is called "the

yearly meeting reorganized." (Abraham Lower, vol. 1. Evid. 404.) We are now to examine whether it was so, and in the present inquiry I propose to lay out of view the fact, which I believe has been fully demonstrated, that the yearly meeting was actually in full vigour and capacity.

This inquiry is to be conducted under two different aspects, first, on the assumption that the constitution or discipline of the society remained in force; and secondly, on the assumption that the hedge was thrown down, the bond of union unloosed, the society broken up into its individual elements, the constitution or discipline not providing for the emergency, or having crumbled into dust.

First. The constitution is in force. The time and place of the yearly meeting are fixed. April, not October, is the one; Arch street, not Green street, is the other. Neither can be changed without the resolution and authority of the yearly meeting. No such authority was given. On the contrary, the resolve of that body was, that the next yearly meeting should assemble on the third second day of April, at Arch street, at the usual time and place, "if the Lord permit;" and these latter words did not, as is asserted in the answer of Stacy Decow, constitute "a contingent adjournment," nor contemplate "the circumstance . . . of Friends not being again permitted to assemble at that time;" but were designed to acknowledge their humble and entire dependence on the Great Master of assemblies, without whose permission they neither expected nor wished again to convene. A special meeting of the yearly meeting is an anomaly, and unprovided for. Neither the few nor the many, have power given to them to convoke such meeting. If, then, the constitution was in force, the meeting in October was not the true and legitimate yearly meeting of Philadelphia.

Second. Let us now suppose the compact broken, the constitution dissolved, and the disjoined members at liberty to act from individual minds. Was the meeting entitled to the name it then assumed? There are three insurmountable obstacles. First, it was not convened as the ancient yearly meeting. Second, the members at large, the only constituent parts, or in other words, the individual elements, were not, and a portion of them only was, invited to assemble. Third, it was not composed or constituted as the ancient yearly meeting.

First. This October meeting was not called, nor did it come together as the ancient yearly meeting. The name which it thought proper then to assume, or which was then conferred upon it, cannot help this deficiency. In the call which was issued, the faintest idea is not held out that the ancient yearly meeting is to be convoked; no hint is given that the ancient meeting was to be reorganized, or to be settled on its ancient foundations and principles. On the contrary, the idea is conveyed with comprehensible distinctness, that a new yearly meeting was to be formed. The address, which bears date in June, contains, in the first place, an avowal of the design or object in view, "to regain harmony and tranquillity . . . by withdrawing ourselves, not from the society of Friends, nor from the exercise of its salutary discipline, but from religious communion with those who have introduced, and seem disposed to continue, such disorders among us." There is nothing here of remaining in the ancient yearly meeting, nor of continuing or reorganizing it. But let us proceed. "We therefore . . . have agreed to propose for your consideration, the propriety and expediency of holding," what? The ancient yearly meeting? No. "A yearly meeting of Friends in unity with us, residing within the bounds of those quarterly meetings heretofore represented in the yearly meeting held in Philadelphia." And farther, "It is recommended that the quarterly and monthly meetings which may be prepared for such a measure, should appoint representatives to meet in Philadelphia on the third second day in tenth month next, at ten o'clock in the morning, in company with other members favourable to our views, there to hold a yearly meeting of men and women Friends, upon the principles of the early professors of our name." In this clause are several prominent points. First, the meeting was to be composed of representatives from the monthly as well as the quarterly meetings. Now, the ancient yearly meeting had no representatives from monthly meetings; certainly, since the discipline, as adopted and published in 1806. A continuance of the yearly meeting could not then have been contemplated, nor a reorganization of it, nor a settling of it on its ancient principles. Second, it was to be, not the Philadelphia yearly meeting, but "a yearly meeting of men and women Friends;" and thirdly, it was to be formed on the principles of the early professors of our name, not on the platform of the yearly meeting, as erected by the Book of Discipline.

Second. This meeting in October, was not so convened as to entitle it to assume the name, and to take the place of the Philadelphia yearly meeting.

If the yearly meeting was dissolved, and the society brought back to a mere collec-

tion of individuals, if the state of things were such that individual minds might now form anew or reorganize, as they are said to have originally formed, it is a very clear proposition, and not to be controverted, that all the individuals of the society ought to have been called; none should have been directly or indirectly excluded. Whatever dissensions had risen up, whatever animosities existed, the former members of the society remained such, and those who did not meet in Green street, in person or by representatives, were as much as they who did, members and individual elements. All, then, had a right to be called, all must be called, all must be afforded an opportunity to assemble, or no convocation can be lawful, the true and legitimate yearly meeting cannot be there. Now, the recommendation or invitation to assemble, was not comprehensive, but exclusive, not general, but limited. A particular class or description only were invited; all the rest were debarred and shut out. The maxim, *expressio unius est exclusio alterius*, is adopted in the law, only because it is the dictate of common sense. For whom was the meeting? "Who were to attend?" "For Friends in unity with us." Not for Friends in general, not for the members of the ancient yearly meeting, but for such only as were in unity with those who made the proposal. Who were invited to send representatives? All the monthly and quarterly meetings? By no means. "The monthly and quarterly meetings which may be prepared for such a measure." This language cannot be misunderstood or misconstrued; and besides the representatives, for as we have heretofore seen, all who were led by inclination or duty, came in their individual capacity to the yearly meeting, who were to meet in company with them? All the society? All other members? Not so. "Other members favourable to our views." Was then the yearly meeting convoked? Was even a general meeting of the society of Friends called? Ingenuity cannot pervert, blindness cannot mistake, such perspicuity. If I may be permitted to use a term, because it is so common as to be well understood, and not because I mean to make any offensive application of it, the call was for the meeting of a party. I do not intend to say, a right party, or a wrong party, for the subject will, in its nature, admit of either qualification, but a party. And such a convocation, of a portion only of the society, the rest, whether majority or minority, or however small in comparative numbers, being excluded, cannot be the true and legitimate yearly meeting, cannot be the ancient yearly meeting reorganized and settled again on its ancient foundations and principles.

Third. The meeting in October was not composed or constructed as the yearly meeting.

I have, incidentally, adverted to this subject, in showing the nature of the call, or who were invited to attend the meeting; but I now present it as a characteristic difference between this assemblage and the yearly meeting. The yearly meeting is composed of members of two classes, individuals, and the quarterly meetings; the latter being represented by delegates. Such is not only the case since the present Book of Discipline was published by the society, but was the principle of organization when this meeting was first established. Gough, the historian, says, "In the year 1669, it was found expedient and agreed upon, to hold a general meeting in London, representative of the whole body in England, and all other parts where any of the society were settled, which, having been thenceforth held annually, is denominated the yearly meeting in London. This meeting is constituted of representatives deputed from each quarterly meeting in England, from the half yearly meeting in Ireland, and sometimes from other parts, yet without restraining any member in unity with the society from attending." (2 Gough's History, 163.) But the meeting in Green street was composed of three classes, individuals, quarterly meetings, and monthly meetings; some of the latter, as bodies, Mount Holly, Chesterfield, and Radnor, being represented by their delegates. (Exhib. 9.) It is no answer, that members of this society are entitled to sit in their individual capacity, and therefore, whether there as individuals or delegates, can make no difference. This result does not follow. The representatives alone, it will be remembered, perform the important service of nominating a clerk to the meeting. And hence, the clerk who acted for, and was appointed by this meeting, was nominated, at the least in part, by the representatives of monthly meetings, who were irregularly there. And the incongruity of this procedure farther appears from this, that the individual members first appointed, in their monthly meetings, the representatives of those meetings, and then themselves attended as individual members. It is manifest, therefore, the October meeting was not composed as a yearly meeting should, and could only, have been.

In the course of this investigation, it has repeatedly occurred to me, and every time with increasing force, that the grounds of division, if no difference of religious faith ex-

isted, were of an inferior and evanescent nature. It seems to me, though, perhaps, I am unable, not being a member of the society, properly to appreciate the matter, that patience, forbearance, brotherly kindness and charity, the meek and mild spirit which has been believed to characterize and adorn the genuine Friend, would, under the smiles and blessing of Providence, have wrought out a perfect reconciliation, have brought again these discordant minds to the wonted harmony, and the unity of spirit would have again prevailed. If, indeed, a difference of faith and doctrine had grown up and become strong, if either portion had fallen off from the ancient principles of their church, and I use the term, here, as did Fox and Barclay and Penn, the breach is not the subject of surprise, and it must, with no less truth than regret, be said, "between us and you there is a great gulf fixed." In the pleadings of this cause, in the extended volumes of testimony, and in the laborious arguments of the counsel, I do not remember any charge that the members of the society, who remain connected with the Arch street meeting, have departed from the doctrines and principles of Friends, as stated by their founder and his early followers; and I rejoice that I have not been constrained to inquire into the charge of departure, so freely and frequently urged against the members of the Green street meeting. In any remarks I have made, I am not to be understood as asserting or countenancing such a charge. Nor do I mean to say, they either had or had not grounds or reasons sufficient to induce a separation. With these, I do not profess, for this court, in the present cause, to interfere. It is with the legal consequences of their acts, we are to concern ourselves. A separation of a portion does not necessarily destroy or impair, nor, as it respects legal existence, even weaken the original institution. This doctrine was distinctly asserted by the Supreme Court of this state, in the case of Den against Bolton and others, which arose on the division in the Reformed Dutch Church of the United States.

Upon the whole, I am brought, by the most careful, faithful, and minute investigation of which I am capable, to the result, that the Arch street meeting was, and the Green street meeting was not, the Philadelphia yearly meeting of the society of Friends.

We are now to look for the consequences on the cause before the court. We have seen that every preparative meeting, within the states of Pennsylvania and New Jersey, which is, through and by its connecting links, connected with, and subordinate to, the yearly meeting of Philadelphia, is a preparative meeting of the people called Quakers; and any preparative meeting or assemblage of persons calling themselves a preparative meeting, not thus connected and subordinate, is not a preparative meeting of that people, within the meaning of their constitution and discipline, and within the meaning of the subscription to the school in the present case, or in other words, the instrument whereby the trust fund was created. We have farther seen, that the preparative meeting having authority to appoint the treasurer of the school fund, is the preparative meeting of Chesterfield, connected with, and subordinate to, the yearly meeting of Friends of Philadelphia. We have seen that the preparative meeting whereby Stacy Decow was appointed treasurer, was not, at the time of that appointment, connected with, and subordinate to, the Arch street meeting, but had previously disunited itself therefrom, and connected itself with the Green street meeting; and that, therefore, it was not the Chesterfield preparative meeting of Friends, at Crosswicks, meant and mentioned in the establishment of the school fund, and had not competent authority to discharge Joseph Hendrickson and appoint a successor.

There is, then, no successor to the person named as treasurer in the bond and mortgage, and he has, consequently, the legal right to recover the money.

I do, therefore, respectfully recommend to his excellency the Chancellor, to decree upon this bill of interpleader, that the principal and interest mentioned in the said bond, and intended to be secured by the said mortgage, of right belong, and are payable to the said Joseph Hendrickson, and that he be permitted to proceed on his original bill of complaint, or otherwise, agreeably to the rules and practice of the Court of Chancery.

CHARLES EWING.

Opinion of ASSOCIATE JUSTICE DRAKE.

THE present controversy has grown out of the prosecution of a certain bond and mortgage, bearing date the second day of the fourth month (April), A. D. 1821, executed by Thomas L. Shotwell to Joseph Hendrickson, treasurer of the school fund of Crosswicks' meeting, to secure the payment of two thousand dollars, with interest, at six per cent., to the said Joseph Hendrickson, treasurer as aforesaid, or his successor, or to his certain attorney, executor, administrator, or assigns. Upon this bond, the interest had been duly paid until the second day of April, A. D. 1827. The interest from that date, together with the principal, composes the sum now in dispute.

It is admitted, that the money, for which these securities were given, is part of a fund, the principal part of which was raised about the year 1792, by the voluntary subscriptions of a considerable number of the members of the preparative meeting of the people called Quakers, at Crosswicks, in the township of Chesterfield, county of Burlington, and state of New Jersey; for the purpose of creating an interest, or annuity, "to be applied to the education of such children as now do, or hereafter shall, belong to the same preparative meeting, whose parents are not, or shall not be, of ability to pay for their education." And this fund was to be "under the direction of the trustees of the said school," (the school then established at Crosswicks) "now, or hereafter, to be chosen by the said preparative meeting."

It is further admitted, that previous to the year 1827, there was but one preparative meeting, of the people called Quakers, at Crosswicks; although it was sometimes designated as the Chesterfield preparative meeting, at Crosswicks; and at other times, as the preparative meeting of Friends, at Crosswicks. It was an association, or meeting, of the religious society of Friends; and it had the power to appoint the trustees of the school, the treasurer, and other officers of the association.

Joseph Hendrickson, one of the above named parties, was appointed treasurer of this meeting in 1816, and was continued in that office, as all parties agree, until the summer or autumn of 1827, when disputes arose in that meeting, and others with which it stood connected, which resulted in the separation of one part of its members from the other part. One party, or division of that body, have continued the said Joseph Hendrickson in the office of treasurer. The other party, in the month of January, 1828, appointed Stacy Decow, another of the above-named parties, to the same office, and have continued him in that office until the present time.

Both Hendrickson and Decow, claim to be the treasurer of the Chesterfield preparative meeting, and, in that capacity, to have the custody of this fund. As both *have been appointed*, although by different bodies, or different parts of the same body, the title to the office must depend upon the appointing power; that is, the preparative meeting. And inasmuch as two several bodies pretend, each, to be the true preparative meeting, and one only is contemplated as the trustee of this fund, it becomes necessary to inquire which is the true preparative meeting.

It appears by the testimony, that on the twenty-seventh day of December, A. D. 1827, the Chesterfield preparative meeting of Friends was divided, by the minority of the members, assembled at that time, withdrawing to another house, leaving the majority, with the clerk, at the usual place of meeting. They continued their business there; and the minority organized anew, or held another meeting, having appointed a new clerk to act for them.

If this preparative meeting were an *independent body*, acting without the influence of any conventional principle operating upon this point, the act of the minority on this occasion would not affect the powers of the majority who remained in session; however it might expose itself, and the members composing it, to disabilities. But the right to make appointments, and to exercise the other functions of the preparative meeting, would still continue with the larger party.*

But the preparative meeting is not an independent body, but a component part of the *religious society of Friends*. Hence, it is necessary to examine its connection with the society of *Friends*, and the history of that society, so far as it influences the separation in this preparative meeting, in order to determine the question, which of these bodies is the true preparative meeting; and is, of course, entitled to appoint a treasurer, and to manage this fund.

The society of Friends, as it existed at the time when this school fund was created,

* 7 Serg. and Rawle, 460; 5 Binney, 485; 5 Johnson, 30; 1 Bos. and Pul. 229; 2 Dessausseure, 583; 16 Mass. 412.

and thence down to the year 1827, was an association of Christians, bound together by a distinct government, peculiar testimonies, and, as one party contends, by certain religious doctrines, deemed by them fundamental. For their government, the Friends, residing in New Jersey and Pennsylvania, as early as the year 1689, established a general meeting, called a yearly meeting, in which the numerous inferior meetings have been represented, and which all the members of the society have had a right to attend. (Vol. 1. Evid. 333.) That yearly meeting, soon after its institution, adopted and published certain articles of government, called "Rules of Discipline of the Yearly Meeting of Friends, held in Philadelphia." This is acknowledged by all the parties to this suit, as their system of government; and by that, so far as its provisions extend, all profess to be willing to be tried. In this publication, we find that their meetings for discipline are declared to be: (Intro. Discip. 3.) "First, preparative meetings; which commonly consist of members of a meeting for worship; second, monthly meetings, each of which commonly consists of several preparative meetings; third, quarterly meetings, each of which consists of several monthly meetings; and, fourth, the yearly meeting, which comprises the whole."

And the connexion and subordination of these meetings, are declared to be thus: (Discip. 31.) "Preparative meetings are accountable to the monthly; monthly, to the quarterly; and the quarterly, to the yearly meeting. So that, if the yearly meeting be at any time dissatisfied with the proceedings of any inferior meeting; or the quarterly meeting with the proceedings of either of its monthly meetings; or a monthly meeting with the proceedings of either of its preparative meetings; such meeting or meetings, ought, with readiness and meekness, to render an account thereof, when required."

This preparative meeting at Chesterfield, was established at an early period. It was, ever since its origin, connected with, and, in the sense of the Book of Discipline, subordinate to the Chesterfield monthly meeting; which was subordinate to the Burlington quarterly meeting; and that, to the Philadelphia yearly meeting.

Such were the connexions sustained by this preparative meeting, at the commencement of the year 1827. I said, that we must review the history of the whole body, so far as it operated upon the division of the Chesterfield meeting, at the close of that year. During the same year, a division took place in the Philadelphia yearly meeting, which was followed up by divisions in all subordinate meetings, or at least all with which this preparative meeting was connected in its subordination. The division so resulted, that as early as tenth month, 1827, there were two yearly meetings in existence, (vol. 1. Evid. 622; vol. 2. Evid. 457.) each claiming to be the true yearly meeting of the society of Friends; one assembling in Arch street, and the other in Green street, Philadelphia. Which of these two meetings was the head to which the inferior meetings should account, &c., according to the constitution of the society? They could not both be. For in this case, it would not only be hard, but impossible, for the inferior meetings to serve two masters. But which should it be? Upon this point, the members of the inferior meetings could not agree. And hence, a corresponding division took place in the Burlington quarterly meeting, in eleventh month, 1827, (vol. 2. Evid. 207, 8.) which resulted in two distinct quarterly meetings; one assembling at the city of Burlington, and the other at Chesterfield. And a division also took place, in ninth or tenth month, 1827, in Chesterfield monthly meeting. A dispute arising, respecting the propriety of granting a certificate of membership to an individual, to be presented to Green street monthly meeting; which dispute was founded on the question, whether that meeting still retained its connexion with the Arch street yearly meeting, or had joined that of Green-street; the clerk, David Clark, not acting in reference to this matter, with the promptness desired by the party in favour of making the certificate, they considered him as refusing, or at least, as neglecting to serve the meeting, and at once called another person, Jediah Middleton, to the chair, to serve them as clerk. (Vol. 1. Evid. 337; vol. 2. Ibid. 284.) After which, the two parties conducted their business separately; the minority and old clerk, adhering to the Burlington quarterly meeting, in connexion with the Arch street yearly meeting, and the other party sending representatives to the Green street yearly meeting. (Vol. 2. Evid. 296, 7. 323.)

It was after this complete division of the Chesterfield monthly meeting, that the transaction took place in the preparative meeting before noticed. These meetings were composed, in some measure, of the same persons. The clerk, James Brown, and many other persons there, had previously manifested their partiality to one or the other of the great parties which had grown up in the society, and to their respective yearly meetings. In making out answers to the queries, which were, by the monthly meeting, in eleventh month, 1827, addressed to the preparative meeting, according to the

Book of Discipline, page eighty-nine, the clerk of the preparative meeting had made return to Jediah Middleton, the clerk of that monthly meeting, connected with the Chesterfield quarter, and Green street yearly meeting; (vol. 2. Evid. 323.) thus acknowledging the meeting of which he was clerk, to be a branch of that yearly meeting. He also denied the authority of the monthly meeting, of which David Clark was clerk. (Vol. 1. Evid. 325; vol. 2. Ibid. 323.) In eleventh month, 1827, the Burlington quarter, connected with the Arch street yearly meeting, appointed a committee to visit its subordinate meetings. (Vol. 1. Evid. 325, 6.) On the twenty-seventh of twelfth month (December) that committee presented themselves before the Chesterfield preparative meeting then assembled. A committee also presented itself from the Burlington quarter, connected with the Green street yearly meeting. An inquiry was made of the clerk, or meeting, in what connexion this preparative meeting was then acting. No direct reply was given. It being manifest that the harmony of the meeting was broken, and all parties knowing the predilections of themselves and others to be so fixed, that it was useless to spend time in debate, the minority, wishing to sanction no proceeding which would change their connexion or allegiance, withdrew; protesting against any forfeiture of their rights thereby. Since which, the two parties once composing that preparative meeting, have each held its own meeting, in subordination to their respective monthly, quarterly, and yearly meetings, as before stated.

Much investigation was made into the precise conduct of the respective parties, in effecting these divisions; but I do not regard the particular acts, or formalities, observed by these subordinate meetings, as of much consequence, seeing there is a complete separation of the society into two distinct bodies, acting under separate governments; although each still professes to adhere to the ancient discipline and worship. Our inquiry now must be, whether each of these bodies is to be considered as the society of Friends, contemplated in this trust, or only one of them: And if but one, which is that one? And which yearly meeting represents it? For if there be but one society, and one yearly meeting which answers to the trust, the inferior meetings must follow the fate of those to which they stand connected. Every Friend is a member of his yearly meeting. It is the yearly meeting which overlooks, controls, and exerts a care over all that are in connexion with it; which hears their appeals in the last resort; which preserves their uniformity in discipline, and in the maintenance of their peculiar testimonies; in a word, which identifies them as a body of *Friends*. And in order to determine which is the true preparative meeting, at Crosswicks, we must ascertain which is the true yearly meeting of *Friends*, held in Philadelphia.

The yearly meeting was established in Burlington, in the year 1681. (Vol. 1. Proud's Hist. Penn. 160, 61.) It was held alternately, at Burlington and Philadelphia, from 1684 to 1761; after which it was removed entirely to Philadelphia, and was held there annually and in great harmony, until within the last ten or twelve years; within which time, jealousies have arisen among the members, which increased, until the meeting held in fourth month, 1827, which was the last held by the united body. The dissensions, previous to, and at that meeting, came to such a height, that one party withdrew, and took measures for the formation of a new yearly meeting, as the other party insist, or as they say, for the reorganization and purification of the old one. It will be necessary to look a little into particulars, to discover the character of this transaction, and what should be its effect upon the present case. And I would here observe, that I use the word party or parties, "Orthodox" and "Hicksite," in this opinion, merely to designate individuals, or bodies of men, acting together, and not with any reference to the feelings, motives, or principles, upon which they may have acted.

Questions of importance were expected to arise at the yearly meeting of 1827, upon which disagreement was anticipated. The respective parties made such preparations for the approaching business of that meeting as they deemed proper. The clerk, being the officer who collects the sense of the meeting on the questions submitted to it, and declares its decisions, was justly considered as holding an important station, which neither was willing to have filled by a person unfriendly to its views. The nomination of a clerk to the yearly meeting, was the appropriate business of the representatives from the quarterly meetings. (Vol. 1. Evid. 68, 217.) In the meeting held by them for that purpose, Samuel Bettle and John Comly were nominated. Each party advocated the pretensions of its favourite candidate, but neither candidate was agreed upon. Upon its being reported to the yearly meeting, that the representatives were unable to agree, some persons suggested, that it was the practice of the society for the old clerk to act until a new one was appointed. (Vol. 1. Evid. 68, 218.) In this, there was, at least, a partial acquiescence of the opponents of the old clerk. (Vol. 1. Evid.

69, 218; vol. 2. Ib. 21, 267, 392.) He took his seat at the table, and John Comly, the rival candidate, took his, as assistant clerk. The next morning, the latter expressed a repugnance to serve the meeting, made up, as he stated, "of two irreconcilable parties;" but, for some reason or other, he again acquiesced, and acted as assistant clerk the residue of the meeting. One other subject of dispute occurred towards the close of that meeting. It was respecting the appointment of a committee to visit the inferior meetings. To this, there was considerable opposition, but the clerk finally recorded a minute in favour of the appointment. After which, the meeting adjourned, "to meet at the same time and place the next year." (Vol. 1. Evid. 70.)

On the nineteenth, twentieth, and twenty-first of April, 1827, and during the sitting of the yearly meeting, another meeting was held in Green street, at which an address to the society of Friends was agreed upon; which was subscribed, by direction and in behalf of said meeting, by John Comly and others; in which address, after alluding to the divided state of the society in *doctrine* and in feeling, and to measures of the yearly meeting deemed oppressive, they state their conviction, "that the period has fully come, in which we ought to look towards making a quiet retreat from this scene of confusion." (Vol. 2. Evid. 454.) They adjourned, to meet again in the same place on the fourth day of sixth month (June), 1827. At which second meeting, they agreed on and published a second address, in which, after adverting to disorders and divisions in the society, and transactions of the late yearly meeting against the sense, as they considered, of the larger part of that body, they add, "Friends have viewed this state of things among us, with deep concern and exercise, patiently waiting in the hope, that time and reflection would convince our brethren of the impropriety of such a course, and that being favoured to see the evil consequences of such conduct, they might retrace their steps. But hitherto, we have waited in vain. Time and opportunity for reflection have been amply afforded, but have not produced the desirable results. On the contrary, the spirit of discord and confusion have gained strength, and to us there appears now, to be no way to regain the harmony and tranquillity of the body, but by withdrawing ourselves, not from the society of Friends, nor from the exercise of its salutary discipline, but from religious communion with those who have introduced, and seem disposed to continue, such disorders among us." The address concludes, by proposing for consideration, "the propriety and expediency of holding a *yearly meeting of Friends in unity with us*, residing within the limits of those quarterly meetings, heretofore represented in the yearly meeting held in Philadelphia, on the third second day in tenth month (then) next." (Vol. 2. Evid. 455, 456.) At which time, a yearly meeting was accordingly held in Green street, Philadelphia; which has been continued, at the same place, from year to year; and which is the same yearly meeting, to which the Chesterfield monthly meeting, of which Jediah Middleton is clerk, sent representatives, and to which, that meeting, as well as the preparative meeting of which James Brown is clerk, gave in their adhesion. (Vol. 1. Evid. 50.)

Which of these yearly meetings represents the society of Friends contemplated in this trust? A first view strongly inclines us to answer, It is that held in Arch street. That was regularly adjourned to meet at the same time and place next year, and was then held accordingly, and has been regularly continued until the present time. The other meeting was held, first, in tenth month, 1827, by those who *retreated*, or withdrew, from the disorders of the other, at a new time, and a new place. One is the *old* meeting in form, at least, and the other the *new* meeting. But some circumstances attending this separation, involve the case in some degree of doubt. Those who formed the Green street meeting, claim to be the *majority*. They complain of various abuses existing in the society, for the preceding five years; that "measures of a party character were introduced" into some of their meetings for discipline, and that "the established order of society was infringed, by carrying those measures into execution *against the judgment, and contrary to the voice, of a larger part of the Friends present.*" "At length, the infection taking a wider range, appeared in our yearly meeting, where its deplorable effects were equally conspicuous. Means were recently taken therein to *overrule a greater part of the representatives, and a clerk was imposed upon the meeting without their concurrence or consent.*" And a committee was there appointed to visit the quarterly and monthly meetings without the unity of the meeting, and *contrary to the solid sense and judgment of much the larger number of members in attendance.*" (Vol. 2. Evid. 456.)

In connexion with these complaints, we must take into consideration some peculiarities in the mode of conducting the religious meetings of Friends. It is insisted by the Arch street party, that the members of a meeting for discipline, are not entitled to

equal weight in their decisions; so that the clerk, whose business it is to ascertain and record the sense of the meeting, should not count the number of persons present, and decide with the majority of voices, but should pay more attention to elderly, pious, and experienced men, than to those of an opposite character. (Vol. 1. Evid. 64, 184, 333.) On the other side, it is insisted, that all have an equal voice, and that it is the duty of the clerk to record the opinion of the majority, in numbers; or, at least, that he should not record a minute against the sense of the majority. (Vol. 1. Evid. 43; vol. 2. Ibid. 244.) Another peculiarity, is this, insisted on by the Arch street party, and apparently conformable to usage, that until the appointment of a new clerk, the old one is to act. It may be easily perceived, that the effect of these principles combined, may be to place a meeting under the control of a minority, however small, or even of the clerk himself; and that the majority have no *ordinary* means of redress, for they never can appoint a new clerk, and never can carry any measure, however just and important, if unreasonably opposed. And if it be true, that through the operation of these principles, the majority, in the yearly meeting of fourth month, 1827, was deprived of its rights, it would incline me very much to endeavour to distinguish this case from that of an ordinary secession from the government of a religious society.

The complaint, that the majority was overruled, relates, I presume, more particularly to the meeting of representatives from the various quarters, whose business it was to nominate a clerk. But the proceedings there, may have had, and were evidently, by all parties, expected to have, an important bearing on the proceedings of the yearly meeting. The facts are somewhat variously stated by the different witnesses. But, in the view I shall take of this question, I do not think it necessary to make a minute inquiry into the facts, or to decide those which are controverted.

It appears distinctly, that no count, or other certain means of ascertaining the majority was resorted to. The Green street party, however, claim the benefit of a presumption that they were the majority, arising from the fact that they insisted that the majority ought to govern, and endeavoured to take measures to ascertain it. (Vol. 1. Evid. 372, 3.) This was resisted by the other party, either from conscious inferiority of numbers, or from a conscientious desire, not to violate the ancient usage of the society, as to the mode of ascertaining the solid sense of a meeting.

As to the true mode of ascertaining the sense of a meeting, all agree that it is the duty of the clerk to collect it, and it has been the uniform practice in the society, for him to do so, without resorting to a formal count, or division of parties. (Vol. 1. Evid. 64, 330, 458, vol. 2. Ib. 169, 250.) This society commenced in persecution, and has, heretofore, been distinguished for its harmony. Believing in the operation of the spirit of truth on their minds, not only in worship, but in business, if properly sought for, it has been their practice solemnly to seek the guidance of the light within, and seldom, or never, to attempt influence, through ingenious argument, or noisy declamation. Hence, few have attempted to speak on questions. And these would naturally be the experienced and aged. A few voices from such quarters, unopposed, has always been sufficient to guide the clerk. If a contrariety of views appeared, it has not been the practice to continue the debate a long time, but if one party did not soon yield, to postpone the subject for further consideration. Hence, it has doubtless been usual for the clerks to look to leading men, principally, in gathering the sense of the meeting. And this practice being ancient and uniform, and withal countenanced by some of their most respected writers, and connected with their religious faith, strengthens one party in its opinion, not only that it is right for the clerk to do so, but that he may carry it so far, as to record a minute in opposition to the sense of the majority in numbers. (Vol. 1. Evid. 35, 64, 184, 333.) The other party insist, on the contrary, that the government in a yearly meeting, is strictly democratic; that all have equal rights, and an equal voice, (vol. 1. Evid. 43. vol. 2. Ib. 244,) and that however much the young and inexperienced may, in times past, have yielded to the wise and aged, through courtesy, or from other causes, yet, upon a question of strict right, they are all equal. This usage, as it has existed, has no doubt, been salutary in its influence, and it is highly expedient to preserve it. Indeed, it appears to be of almost vital importance to a religious society like this; into which members are admitted without any public declaration of their faith, and even as a birthright. And yet it is difficult to apply it, and act upon it, under such circumstances as resulted in the present division. Here were two great parties, dividing, not only the numbers, but the talents, experience, and piety of this society, separated on important questions, and each tenacious of its opinions. How shall *their* controversies be decided? It is a general principle relating to all associations of men, that all the members of a meeting, who have a right to a

voice at all, have a right to an *equal* voice, unless there be something in the terms of the association to vary those rights. It is conceded that all the members of this society, have the right to attend the yearly meeting; and that the clerk *may* notice the opinions of all. (Vol. 1. Evid. 85, 333.) How, then, is he to distinguish between them? The usage to accord superior weight to superior piety and experience, has, indeed, been uniform, yet it seems to want that degree of *certainly* in its application, which an *imperative rule of government* requires. Who is to judge which members have the most wisdom, or the greatest share of the spirit of truth? Each individual may concede it to another, so as to yield his own opinion to him, if he will. But who shall judge of it for a whole assembly? Who shall allot among a great many individuals, their comparative weight? If any body, it must be the clerk. The result is, that the government, if not a democracy, very much resembles a monarchy. Neither party would be willing to call it the latter, unless by supposing the Great Head of the church to preside, and rule therein. And this is, no doubt, the theoretic principle on this point. But who is to declare his decision? We come back again to the clerk. Will he always declare them truly? To err, is human. He may be directed by light from above, or he may follow his own will. And this contest, shows that neither party had any confidence in the infallibility of the clerk, under the unusual and trying circumstances which existed. The persons nominated by the two parties, were respectable men, of great worth and experience. They had both, for a long time, served the society very satisfactorily, in the most responsible stations,—those of clerk, and assistant clerk. But both had, or were suspected to have, partialities, or wishes of their own, to be gratified by the decisions of the yearly meeting. And the consequence was, that they were both objects of the greatest distrust. The “Orthodox” did not believe that John Comly could serve the meeting faithfully, and the “Hicksites” were equally dubious of the infallibility of Samuel Bettle.

This feature in the government of this society, whatever may be its precise limits, is intimately connected with their religious principles and doctrines. (Vol. 1. Evid. 64.) They believe that the Head of the church, when properly invoked, will shed his influence upon their meetings, and be “a spirit of judgment, to those who sit in judgment.” Hence, the clerk is suffered to gather *the feelings and sense* of a meeting, from those who have long manifested a spiritual walk and conversation, aided by the agency of the spirit of truth, in his own mind. But, it is at least *possible*, that a meeting should be unfitted, in a measure, for this intercourse with the spirit; and that the clerk may be influenced by earthly passions, and have a will of his own to subserve, as well as that of the Great Head of the church. Should such a case arise, it must be perceived that the beauty of this theory is marred, and the government becomes, *not what it was intended to be*. May it not be said, that in such case, the *condition* on which the power of the clerk and the minority is founded, is broken? But if it be, who is to declare whether such a case has, or has not, arisen? Or, what is to be the effect of an abuse of this power? Or, how is it to be relieved against? I find myself met by these questions, and others, connected with this important and delicate subject. And supposing that the decision of this cause does not require an investigation of them, I shall not attempt it. Hence, I wish not to be understood as intimating any opinion, as to the complaints of the “Hicksite” party; whether there were really any good grounds for them, or not; or, whether, if there were, it would justify the course they took, or save them from the legal consequences of a secession. I would only observe, further, on this branch of the subject, that were this *a mere naked trust*, to be performed *immediately*, by the yearly meeting, I think I should have no hesitation to award it to the Arch street meeting; that being, in point of form, at least, the same meeting which was in existence at the time the trust was created. But the Chesterfield preparative meeting, with respect to this fund, may fairly be considered, not merely as a trustee, but as having a beneficiary interest, inasmuch as the fund is to be expended in the education of the children of such of its members as are poor. It is a subordinate meeting, the pretensions of which are to be settled, by its acknowledging one or the other of these yearly meetings as its head. There was some difficulty in selecting which it should acknowledge; and if the majority had mistaken the truth, and connected themselves with the wrong head, (supposing this to be a mere dispute as to government, or discipline,) I should feel very reluctant to conclude that they could have no further right or interest in the fund. But as I before intimated, I mean not to form, or express an opinion on this subject; for, in surveying the pleadings and testimony in this cause, the conviction urges itself strongly upon my mind, that there is another great distinction between these parties, which may be resorted to, to ascertain which is the true society of Friends, so far as the

purposes of this case require the decision of that question. I mean the difference in doctrine.

Hendrickson, in his answer to the bill of interpleader, alleges that "the society of Friends, as a christian sect, hold doctrines in reference to Christianity, which, like those of other sects, are in some measure, common to all Christians, and in other respects, peculiar to themselves." And that "the following religious doctrines have always been held and maintained by them." (Vol. 1. Evid. 30.)

"In the first place, although the society of Friends have seldom made use of the word trinity, yet they believe in the existence of the Father, Son, or Word, and the Holy Spirit. That the Son was God, and became flesh,—that there is one God and Father, of whom are all things—that there is one Lord Jesus Christ, by whom all things were made, who was glorified with the Father before the world began, who is God over all, blessed for ever—that there is one Holy Spirit, the promise of the Father and the Son, the leader, and sanctifier, and comforter of his people, and that these three are one, the Father, the Word, and the Spirit. That the principal difference between the people called Quakers, and other Protestant trinitarian sects, in regard to the doctrine of the trinity, is, the latter attach the idea of individual personage to the three, as what they consider a fair logical inference from the doctrines expressly laid down in the Holy Scriptures. The people called Quakers, on the other hand, consider it a mystery beyond finite, human conception; take up the doctrine as expressly laid down in the Scripture, and have not considered themselves warranted in making deductions, however specious.

"In the second place, the people called Quakers, have always believed in the doctrine of the atonement, that the divine and human nature of Jesus Christ were united; that thus united, he suffered, and that through his sufferings, death, and resurrection, he atoned for the sins of men. That the Son of God, in the fulness of time took flesh, became perfect man, according to the flesh, descended and came of the seed of Abraham and David; that being with God from all eternity, being himself God, and also in time partaking of the nature of man, through him is the goodness and love of God conveyed to mankind, and that by him again man receiveth and partaketh of these mercies; that Christ took upon him the seed of Abraham, and his holy body and blood was an offering and a sacrifice for the sins of the whole world.

"In the third place, the people called Quakers, believe that the Scriptures are given by inspiration, and when rightly interpreted are unerring guides; and to use the language adopted by them, they are able to make wise unto salvation, through faith which is in Jesus Christ. They believe that the spirit still operates upon the souls of men, and when it does really and truly so operate, it furnishes the primary rule of faith. That the Scriptures proceeding from it, must be secondary in reference to this primary source, whence they proceed; but inasmuch as the dictates of the spirit are always true and uniform, all ideas and views which any person may entertain repugnant to the doctrines of the Scriptures, which are unerring, must proceed from false lights. That such are the doctrines entertained and adopted by the ancient society of Friends, and that the same doctrines are still entertained by the 'Orthodox' party aforesaid, to which party this defendant belongs. That these doctrines are, with the said religious society, fundamental; and any individual entertaining sentiments and opinions contrary to all, or any of the above mentioned doctrines, is held not to be in the same faith with the society of Friends, or the people called Quakers, and is treated accordingly." And he further alleges, that previous to the separation, the society became divided into two parties, one of which is called the "Orthodox," and the other, the "Hicksites," and that "they differ essentially from each other, in religious doctrines;" and especially with respect to the doctrines above stated. That the 'Orthodox' party hold to them, but that the 'Hicksite' party do not adopt and believe in them, but entertain opinions entirely and absolutely repugnant and contrary thereto."

Decow, in his answer, alleges, that "the society of Friends acknowledge no head but Christ, and no principle of authority or government in the church but the love and power of God operating upon the heart, and thence influencing the judgment, and producing a unity of feeling, brotherly sympathy and condescension to each other. The great fundamental principle of the society; the divine light and power operating on the soul; being acknowledged by all its members as the effective bond of union; the right of each individual to judge of the true meaning of Scripture testimony, relating to the doctrines of Christianity, according to the best evidence in his own mind, uncontrolled by the arbitrary dictation of his equally fallible fellow-man, hath been, as well tacitly as explicitly, acknowledged by the society." (Vol. 1. Evid. 43, 45, 51.) And

that the rules and regulations of the system of discipline, adopted by the society, "relate partly to the preservation of a decent and comely order in its internal polity; partly to the observance of the principles of morality and justice, by all belonging to it; and partly to the maintenance of its peculiar testimonies."

He further alleges, that "the Chesterfield preparative meeting of Friends, at Crosswicks, to which he belongs, is the same Chesterfield preparative meeting of Friends, at Crosswicks, under whose care the said school fund was placed by the contributors thereto, and are identified with them in due and regular succession, and are a part of the ancient society of Friends. That they believe in the Christian religion, as contained in the New Testament, and as professed by ancient Friends, and adhere to the religious institutions and government of the society of Friends; and bear the same cardinal testimonies to the whole world, as are held most important and characteristic in the said society; among which, are a testimony against war, a hireling ministry, against taking oaths, against going to law with brethren, and a concern to observe the golden rule, do unto all men as we would they should do unto us."

It is perceived, that each party claims for the meeting which appointed him, an adherence to the ancient faith of Friends; although they differ in this, that one points out certain doctrines, which he considers as parts of that faith, and that they are essential parts; while the other, without *directly* denying these to be the doctrines of Friends, or that his party in the society holds doctrines repugnant thereto, contents himself with alleging that "they believe in the Christian religion, as contained in the New Testament, and as professed by ancient Friends;" and their adherence to their peculiar testimonies, some of which are specified; and distinctly advances "the right of each individual to judge of the true meaning of Scripture testimony, relating to the *doctrines* of Christianity, according to the best evidence in his own mind." And by enumerating other objects of discipline, he would give us to understand that this is a right, the exercise of which is beyond the control of the discipline of the society.

There is nothing characteristic in "a belief in the Christian religion, as contained in the New Testament." All sects of Christians, however widely separated, unite in professing this. But if I can understand the liberty claimed in this answer for the members of the society, it is, that they may interpret the Scriptures, in reference to the doctrines of the trinity, and of the divinity and atonement of Jesus Christ, as the light within them shall direct.

But although Decow, in his answer, has, in some measure, declared the faith of the party to which he belongs, yet he denies that this, or any other court, has a right to institute an inquest into the consciences or faith of members of religious associations. But can this denial be well founded? May this fund be divided and subdivided, as often as this body shall separate? And parts of it, from time to time, be diverted from its declared purpose, and appropriated to the education of children of persons connected with other religious persuasions, or of no religion at all? And yet that no court can control it? Surely, this cannot be. This trust can be exercised only by a meeting of the *religious society of Friends*. The fund can be *used* only in the education of the children belonging to a meeting of that society. And when, as on this occasion, two distinct bodies, which have separated on points of discipline, or doctrine, or both, come before the court, and each claim the *guardianship* and *use* of this fund, as belonging to the society of Friends; this court may, surely, inquire into the badges of distinction, by which the society of Friends are known; and if they are characterized by established doctrines, we may inquire what those are, and whether they belong to one, or both of these parties. This power is distinctly laid down, in a recent case before the house of lords, in which lord chancellor Eldon says, "It is true, the court cannot take notice of religious opinions, with a view to decide whether they are right or wrong, but it may notice them as facts, pointing out the ownership of property."*

In searching for the doctrines of this society, it is, in my opinion, not necessary to inquire whether there were any differences of opinion among their ancient writers, provided the society had, for a long time before this fund was established, promulgated as a body, their religious doctrines, and had settled down in harmony under them. It is a body of Friends, with its settled and known characteristics, at that time, which is contemplated in the trust.

The society of Friends, or Quakers, as they were called by their opponents, had its origin in England, about the middle of the seventeenth century; a time much distin-

* 1 Dow's Rep. 1. 2 Jacob and Walk. 248. 3 Merrivale, 412, 419. 7 Serg. and Rawle, 460. 3 Desmousseure, 557.

guished for religious inquiry, in many parts of Europe. It was composed of persons who could not conscientiously agree with the existing sects, in their doctrines, modes of worship, or practices, and who found themselves drawn together by a unity of faith and feeling. They called themselves Christians and Protestants, but appear to have required from those seeking to become united with them, no formal profession of faith, as a test of principle to qualify them for admission; looking at their works as evidence of their Christian faith, and their practice, and support of their peculiar testimonies, as evidence of their Quakerism. As they increased in numbers, and attracted the attention of the civil authorities, their principles became the subject of inquiry, and of misrepresentation, by reason of which, they were exposed to reproach and persecution, and it became necessary for them to come out and avow their leading doctrines to the world. This was done by their leaders and principal men, professing to act in behalf of the society on several occasions. George Fox, who is generally regarded as the founder of the sect, travelling in the island of Barbadoes, being assailed with these misrepresentations, and especially with this, that they denied God, Christ Jesus, and the Scriptures of truth; "with some other Friends, drew up a paper to go forth in the name of the people called Quakers, for the clearing of truth and Friends from those false reports." It was addressed to the governor of Barbadoes, with his council and assembly. In this paper, the belief of Friends in God, the divinity and atonement of Jesus Christ, and the inspiration of the Scriptures, is most fully and explicitly avowed. (Vol. 2. Fox's Jour. 145, 138, 316, 338, 367; vol. 1. Ib. 4, 56, 57.) Elias Hicks intimates that George Fox, for prudential reasons, disguised his real sentiments. (Vol. 1. Evid. 116; vol. 2. Ib. 417.) But this ill agrees with the history of Fox, and I suspect with the belief of Friends, as to his real character. Sewell has given his character in this respect, as drawn by a contemporary, in these words: "He was indeed, a heavenly-minded man, zealous for the name of the Lord, and preferred the honour of God before all things. He was valiant for the truth, bold in asserting it, patient in suffering for it, unwearied in labouring in it, steady in his testimony to it, immovable as a rock." (Vol. 2. Sewell's Hist. 464.)

In 1689, the British Parliament passed an act for exempting the Protestant dissenters from certain penalties, by which the Quakers had suffered for many years. To obtain the benefit of this exemption, they subscribed, among other articles, the following: "I, A. B. profess faith in God, the Father, and in Jesus Christ, his eternal son, the true God, and in the Holy Spirit, one God, blessed for evermore; and do acknowledge the Holy Scriptures of the Old and New Testament, to be by divine inspiration." The historian adds, "we now see the religion of the Quakers acknowledged and tolerated by an act of parliament." (Vol. 2. Sewell, 447.)

In 1693, the doctrines of the society being misrepresented by George Keith and others, "they found themselves obliged to put forth their faith anew in print, which they had often before asserted, both in words and writing, thereby to manifest that their belief was really orthodox, and agreeable with the Holy Scriptures. (Vol. 2. Sewell, 471.) And being charged with some Socinian notions, a short confession of faith, signed by one and thirty persons, of which George Whitehead was one, was, in December following, presented to the parliament. (2 Sewell, 483, 499; vol. 1. Evid. 297; 3 Gough's Hist. 386.) In these public declarations, we find these enumerated doctrines recognized and avowed. At that time, and afterwards, the society of Friends in this country, acknowledged the London yearly meeting as their head, and appeals were taken from their meetings in this country, and decided there. (Vol. 1. Evid. 95; 1 Proud's Hist. Penn. 369.)

Of their early writers, none seems to have been held in higher estimation than Robert Barclay. In his "Apology,"* purporting to be an explanation and vindication of the principles and doctrines of the people called Quakers—these principles are distinctly exhibited as parts of their faith.

He also published a catechism and confession of faith, which purport to contain "a true and faithful account of the principles and doctrines, which are most surely believed by the churches of Christ in Great Britain and Ireland, who are reproachfully called by the name of Quakers." In these, the doctrines above mentioned, are most fully and explicitly taught and professed.†

It is in evidence, that Barclay's Apology, and his Catechism, and Confession of Faith,

* See ninth edition, published at Philadelphia, in 1775, pages 86, 139, 141, 185, 203, 204, 211, 226, 572, 573, 574. Also in his "Anarchy of the Ranters," pages 1, 2, 3, 29, 30.

† See pages 2, 5, 6, 7, 8, 9, 10, 11, 12, 13, 104, 106, 107, 108, 111, 134.

purporting as aforesaid, have been published and circulated by the Philadelphia yearly meeting, by the use of its own funds, and as their minutes express, "for the service of truth," as early as the year 1701, and on several occasions since. (Vol. 1. Evid. 76, 297.)

There is much other evidence laid before us, by documents and witnesses, confirming that which I have thus briefly noticed. But I shall pass it over, merely referring, however, to the letters from Elias Hicks to Phebe Willis and Thomas Willis, written in 1818, in which he distinctly intimates that the society's belief of the Scriptures, and of the divinity of Christ, which he had been taught from his cradle, whatever was his belief at that time, was fully in accordance with the pretensions of the "Orthodox" party. (Vol. 2. Evid. 419, 420, 421.)

I think it sufficiently established, that these doctrines have been avowedly and generally held by the society. And, indeed, they have treated the Scriptures with a degree of reverence, uncommon, even among Christians. Feeling it presumptuous to speculate upon what is obscure, they have, in *doctrinal matters*, adopted its explicit language, but rejected the ingenious deductions of men; they have been unwilling to be wise above what is written. And in matters of *practice*, they have endeavoured to apply its precepts literally; and this is the foundation of their peculiar testimonies.

But are these doctrines *essential*? There is strong evidence of this, in the very nature of the doctrines themselves. When men form themselves into associations for the worship of God, some correspondence of views, as to the nature and attributes of the being who is the object of worship is necessary. The difference between the Pagan, the Mahometan, the Christian, and the Jew, is radical, and irreconcilable. The two latter worship the same God; but one approaches him through a mediator, whom the other regards as an impostor; and hence, there can be no communion or fellowship between them. Christians have become separated into various sects, differing more or less in their doctrines. In looking at the history of these sects, I am by no means convinced that there was, in the nature of things, any necessity for all the divisions which have taken place. Many of the controversies in the church, have doubtless arisen from minute and subtile distinctions in doctrine, which have been maintained, not only with much ingenuity, but with much obstinacy and pride; and which, by this mixture of human frailty, have been the cause of angry, and often bloody dissensions. And whenever the civil government, or the prevailing party, in a religious society, have formed creeds, and required professions of faith, descending to these minute points, it has, necessarily, caused the separation of those, or at least the honest part of them, who could not believe up to the precise line of orthodoxy. Hence, no doubt, many separations have taken place in churches, upon points of doctrine, which would never have disturbed the harmony of the association, had not public professions of faith been required, descending into minute and non-essential particulars. In these days many Christians find themselves able to unite in worship with those of different denominations, and to forget the line of separation between them. But, although unnecessary divisions have taken place, it by no means follows, that there are not some points of faith, which must be agreed in, in order that a religious society may harmonize in their public worship and private intercourse, so as to experience the benefits of associating together. Of this description, is the belief in the atonement and divine nature of Jesus Christ. He, who considers him to be divine; who addresses himself to Him, as the Mediator, the Way, the Creator, and Redeemer; who has power to hear, and to answer; to make and to perform his promises, cannot worship with him, who regards Him as destitute of this nature, and these divine attributes. Nor can the latter unite in a worship which he conceives to be idolatrous.

And with respect to the inspiration of the Scriptures. The belief in the divine nature and atonement of Jesus Christ, and indeed, of the Christian religion itself, is intimately connected with that of the divine authority of the sacred writings. "Great are the mysteries of godliness." And of all the truths declared in Holy Writ, none are more mysterious than the nature, history, and offices of Jesus Christ. The mind that contemplates these truths as based on mere human testimony, must range in doubt and perplexity, or take refuge in infidelity. But if they are regarded as the truth of God, the pride of human reason is humbled before them. It afterwards exerts its powers to understand, and to apply, but not to overthrow them. Faith may repose in confidence upon them, and produce its fruits in a holy life. To a people like the Friends, who pay so much attention to the light within, but who at the same time, acknowledge the deceitfulness of the human heart, and the imperfection of human reason; when they once fix their belief on the testimonies of Scripture, as dictated by the spirit of truth, they necessarily become precious; as the landmarks, setting bounds to principle and

to action ; as the charts, by which they may navigate the ocean of life in safety ; as the tests, by which they may examine themselves, their principles, and feelings, and learn *what spirit they are of*. For, in the language of Barclay, "they are certain, that whatsoever any do, pretending to the spirit, which is contrary to the Scriptures, should be accounted and reckoned a delusion of the devil." Hence, their Book of Discipline earnestly exhorts all parents and heads of families, to cause the diligent reading of the Scriptures by their children ; (Disc. 100.) to instruct them in the doctrines and precepts there taught, as well as in the belief of the inward manifestation and operation of the Holy Spirit upon their own minds ; and to prevent their children reading books or papers tending to create the least doubt of the authenticity of the Holy Scriptures, or of those saving truths declared in them. (Disc. 12.) And hence, by the same discipline, ministers are liable to be dealt with, who shall misapply, or draw unsound inferences or conclusions from the text. (*Ib.* 62.) And a periodical inquiry is directed to be made whether their ministers are sound in word and doctrine. (*Ib.* 95.)

I have before said, that their great regard for the Scriptures, and desire to comply with them literally, is the foundation of their peculiar testimonies. *These* are acknowledged by Decow and his party, to be essential, and a departure from them, a ground of disownment. (Vol. 1. Evid. 43, 385.) Does not a strong argument result from this, that they regard the Scriptures as divine truth, and that this belief is essential ? When their writers would defend these testimonies, they do not refer us to the light within. They do not say that this has taught them that oaths are unlawful, &c. But they point to passages of Scripture, as authority, and *undoubted* authority, on these subjects. But why are they authority ? Because they are the truth of man ? No. Friends spurn at the dictation of their equally fallible fellow-man. But because they are the truth of God. Or, in the language of Fox, "We call the Holy Scriptures, as Christ, the apostles, and holy men of God called them, the words of God." (Vol. 2. Fox's Jour. 147. vol. 1. Evid. 78.) Can it be that the rejection of, or nonconformity to, particular passages, is ground of disownment, and yet that their members are at liberty to reject the whole ? What would this be but to permit their fellow-man to select and garble as they please, and dictate what *should be believed*, and what *might be* disbelieved ?

These testimonies regard the *practices* of the members. Robert Barclay did not consider deviations from them, as the *sole* cause of disownment. He says, "we being gathered together into the belief of certain principles and doctrines ; those principles and doctrines, and the practices necessarily depending upon them, are, as it were, the *terms* that have drawn us together, and the *bond* by which we become centred into one body and fellowship, and distinguished from others. Now, if any one, or more, so engaged with us, should arise to teach any other doctrine or doctrines, contrary to these which were the ground of our being one, who can deny, but the body hath power, in such a case, to declare this is not according to the truth which we profess ; and therefore we pronounce such and such doctrines to be wrong, with which we cannot have unity, nor yet any more spiritual fellowship with those that hold them ? And so cut themselves off from being members, by dissolving the very bond by which they were linked to the body."* And after proving the soundness of these views from Scripture and reason, he concludes as follows : "So that from all that is above mentioned, we do safely conclude, that where a people are gathered together into the belief of the principles and doctrines of the gospel of Christ, if any of that people shall go from those principles, and assert things false and contrary to what they have already received ; such as stand and abide firm in the faith, have power by the spirit of God, after they have used Christian endeavours to convince and reclaim them, upon their obstinacy, to separate such, and to exclude them from their spiritual fellowship and communion. For otherwise, if these be denied, farewell to all Christianity, or to the maintaining of any sound doctrine in the church of Christ." And, surely, these remarks must be applicable to doctrines as *radical* as those above stated.

In 1722, the yearly meeting of Philadelphia issued a testimony, accompanying Barclay's Catechism and Confession of Faith, which they styled "The ancient testimony of the people called Quakers, revived." In which, after a long enumeration of evil practices which the apostle testified against, and through which some fell away, they add, "and some others, who were then gathered into the belief of the *principles and doctrines* of the gospel of Christ, fell from *those principles*, as some have done in our day ; in which cases, such as stood firm in the faith, had power by the spirit of God, after Christian endeavours to convince and reclaim these backsliders, to exclude them

* Anarchy of the Ranters, pages 54, 55, 56, 57, 58, 59.

from our spiritual fellowship and communion, and also the privileges they had as fellow-members; which power we know by *good experience*, continues with us, in carrying on the discipline of the church in the spirit of meekness." (Vol. 2. Evid. 11.) And in answer to what was said in argument, as to the *extent* of the discipline appearing in its introductory paragraph, I would observe that this testimony was issued soon after that introduction commences, by referring to it, and may be considered as in a manner explanatory of it. But the discipline itself is not silent on this subject. Its object is declared to be, "that all may be preserved in *unity of faith and practice*." Now, what is unity of faith? Does it not require unity of *interpretation*; unity of *views*, of the meaning of texts of Scripture, involving important doctrines? It does not require submission to the dictation of others. But it does require an accommodation of opinion to a common standard, in order that they may be of *one faith*. This need not extend to subordinate matters; but liberal as the society has always been in this respect, it has spread before its members the Catechism and Confession of Faith and Apology of Barclay, as guides to opinion, and it will not suffer *even the less essential* doctrines there promulgated, to be questioned, if it be done in a contentious or obstinate spirit, without subjecting the offender to discipline. This is plainly indicated in the *testimony* above referred to. (Disc. 12.) And with respect to the more important doctrines now in dispute, the discipline expressly says, "Should any deny the *divinity of our Lord and Saviour Jesus Christ, the immediate revelation of the Holy Spirit, or the authenticity of the Scriptures*; and it is manifest *they are not one in faith with us*, the monthly meeting where the party belongs, having extended due care for the help and benefit of the individual without effect, ought to declare the same, and issue their testimony accordingly." (Disc. 23. vol. 1. Evid. 385.)

In addition to all this, several respectable witnesses testify that the denial of these doctrines has always been held to be ground of disownment, and they adduce many instances of actual disownment for these causes. (Vol. 1. Evid. 60, 99, 108, 171, 306.)

Upon reviewing the testimony, I am satisfied that the society of Friends regard these doctrines as *essential*, and that they have the power, by their discipline, to disown those who openly call them in question.

But do the Arch street meeting, and its subordinate meetings, hold to these doctrines? It is so alleged; and it is not denied. The denial, if it be one at all, is that these are established doctrines of the society of Friends. The controversies between the parties, so far as they were doctrinal, show that the party called "Orthodox," insisted on these doctrines. The offensive extracts of the meeting for sufferings, declares them. (Vol. 1. Evid. 217. vol. 2. Ib. 414.) And these have been published by the yearly meeting of that party, in 1828. And there is much testimony by witnesses, that the Arch street meeting adheres to them, (vol. 1. Evid. 60, 99,) and none to the contrary.

So that it appears to me, that Hendrickson has sufficiently established that the preparative meeting at Chesterfield, which he represents, may, so far as respects doctrine, justly claim to be the society of Friends.

But it is insisted, that the other party stands on equal ground in this respect; that they are now, or certainly have been, in unity with that society; a society in which no public declaration of faith is necessary; and that hence, independent of any proof they may have offered, they are to be presumed to be sound in the faith. And that any inquiry into their doctrines, further than as they have publicly declared them, is inquisitorial, and an invasion of their rights of conscience.

If a fact be necessary to be ascertained by this court, for the purpose of settling a question of property, it is its duty to ascertain it. And this must be done by such evidence as the nature of the case admits of.*

I have already stated, that the answer of Decow appeared to me indirectly to deny that the faith of Friends embraces the enumerated doctrines insisted on by Hendrickson, and to claim freedom of opinion on those points. I feel more assured that this is the true meaning of the answer, from the course taken in the cross-examination of the witnesses, in which an evident effort appears, to show a want of uniformity among ancient writers of the society, when treating on these subjects; and also, from the grounds taken by the counsel in the argument of this cause. It was here most explicitly, and I may add, most ingeniously and eloquently insisted, not only that these doctrines *do not* belong to the faith of Friends, but that they *cannot*; because they must interfere with another acknowledged fundamental principle of the society—the guidance of the light within. Now if it be established, that these doctrines are part of the religious faith

* Merriwale, 411, 413, 417. 3 Dessausure, 557.

of Friends, can it be necessary, under these pleadings, to prove that Decow's party do not hold the faith of Friends? Decow says, "my party, or preparative meeting, hold the faith of Friends, but these doctrines are no part of that faith; therefore we do not, as Friends, hold to these doctrines." But Friends do hold these doctrines: Decow's party does not; therefore they are not *one*, with Friends, in religious doctrine. And it will not materially vary the argument, that they are *at liberty* to hold them, or not, as the light within shall direct. It is *belief* which gives character to a sect, and right of membership to an individual. *Liberty* has the same practical effect as *unbelief*, when applied to an essential doctrine of a religious society. An individual cannot avail himself of his faith in any doctrine which he is at liberty to believe or not. Were it otherwise, we might all be members of any religious society whatever.

But as I may have mistaken the meaning of Decow's answer, which is certainly not very explicit in this particular, I will next turn to the evidence, and discover, if I can, what is the fair result of the examination of that.

Decow offers no testimony respecting the belief of his party in the particular doctrines in question. His witnesses refuse to answer on these points,* and his party protest against all creeds, or public declarations of faith, as an abridgement of Christian liberty. Having no such public declaration to resort to, we must ascertain the truth from other sources, so far as it is necessary to be ascertained.

Several public addresses were issued by the party called "Hicksite," about the time of the separation, setting forth their reasons for it. In that of April twenty-first, 1827, it is declared that, "the unity of this body is interrupted, that a division exists among us, developing in its progress, *views which appear incompatible* with each other, and feelings averse to a reconciliation. *Doctrines* held by one part of the society, and which we believe to be *sound* and edifying are pronounced by the other part to be *unsound* and spurious." A prominent complaint, in these papers, is, that Friends travelling in the ministry, had been publicly opposed in their meetings for worship, and laboured with contrary to the discipline. Upon looking into the testimony, we find that the prominent individual who furnished occasion for these complaints, is Elias Hicks; and that the interruptions and treatment of him, deemed exceptionable, had their origin in the doctrines which he preached. (Vol. 1. Evid. 308, 474, 478.) Can it be denied, then, that differences in doctrine existed, and differences of that serious nature calculated to destroy the unity of the society, and which had their full share in producing the separation which took place.

Decow has introduced several witnesses, who testify, and no doubt conscientiously, that they believe they hold the ancient faith of Friends, but they refuse to tell us what this faith is, in reference to these enumerated doctrines. We cannot give much weight to *opinion*, where we should have *facts*. The belief should refer to specific doctrines, that the court may judge as well as the witnesses, whether it was the ancient faith or not. The court, in that case, would have an opportunity of estimating the accuracy of the knowledge upon which the belief is founded.

How stands the case, then, upon the proofs? A fund was created for the education of the poor children of a certain preparative meeting of the religious society of Friends. That body has lately become separated. *Its unity is broken; the views of its members are incompatible; and doctrines held by one party to be sound, are pronounced by the other party to be unsound.* And two distinct meetings exist at this time, and each claims the guardianship and use of this fund. For the safety of the debtor, these parties have been directed to interplead, and to show their respective pretensions to be a *preparative meeting of Friends*. One of them sets out certain doctrines as characteristic of the society, and that they adhere to them, and that the other party does not. They go on and prove their case, so far as respects themselves. The other party allege that they hold the faith of Friends? but instead of proving it, they call upon their adversaries to prove the contrary. In my opinion it was incumbent upon each of the parties to make out their case, if they would stand upon equal terms, on this question of doctrine. And especially upon this preparative meeting, connected as it is, with a yearly meeting, which, in point of form at least, is not the yearly meeting that was in existence at the creation of the fund; and which has furnished *prima facie* evidence that it has withdrawn, or separated from that meeting in consequence of disputes in some measure doctrinal. The court will not *force* either party in this cause to declare or prove their religious doctrines. But if doctrines be important, the party which would avail themselves of their doctrines, must prove them. They are peculiarly

* 1 vol. Evid. pages 387, 381, 406, 475. 2 vol. Ibid. pages 13, 90, 906.

within their knowledge, and although they may have the right to withhold them, yet, if they do, they cannot expect success in their cause. The money must be awarded to that party which supports, by proper proof, its pretensions to it.

Under this view of the case, I deem it unnecessary to attempt any further investigation of the doctrines of the party called "Hicksite." And, if ascertained, I certainly would not inquire, as an officer of this court, whether they are right or wrong. It is enough, that it is *not made to appear* that they correspond with the religious faith of the Society of Friends.

I would merely add, that if it be true, that the "Orthodox" party believe in the doctrines above mentioned, and the "Hicksite" party consider that every member has a right to his own belief on those subjects, they well might say that their differences were destructive of their unity. If their members and ministers exercise perfect freedom of thought and speech on these points, their temples for worship, and, it is to be feared, their own hearts, would soon be deserted by the peace-loving spirit of the Master. There is an essential incompatibility in adverse views, with regard to these doctrines. The divinity of Christ, and the authenticity of the Scriptures, cannot be debated in a worshipping assembly, without defeating the proper purposes of meeting together.

And upon this supposition, too, the *propriety*, as well as *legality*, of this court's noticing the doctrines of the preparative meeting, which is to superintend the expenditure of this fund, is too manifest to admit of doubt. We have already seen, by reference to the discipline of this society, with what earnestness they endeavoured to educate their children in the knowledge and belief of the Scriptures; and whoever looks into that discipline, cannot but discover their anxiety to train them up in their own peculiar views of the Christian religion. To effect these purposes, their yearly meeting has directed their attention to the subject of *schools*. "The education of our youth," says the discipline, "in piety and virtue, and giving them useful learning under the tuition of religious, prudent persons, having for many years engaged the solid attention of this meeting, and advices thereon having been from time to time issued to the several subordinate meetings, it is renewedly desired, that quarterly, monthly, and preparative meetings may be excited to proper exertions for the institution and support of schools; for want of which, it has been observed, that children have been committed to the care of transient persons of doubtful character, and sometimes of very corrupt minds." "It is, therefore, indispensably incumbent on us, to guard them against this danger, and procure such tutors, of *our own religious persuasion*, as are not only capable of instructing them in useful learning, to fit them for the business of this life, but to train them in the knowledge of their duty to God, and one towards another. Under this discipline, and by the exertions of superior meetings, (vol. 2. Evid. 345, 346, 436, 437.) as well as of the members of the Chesterfield preparative meeting, this school at Crosswicks was established, and this fund raised for its support. It thus appears, that the fund was intended to promote, not merely the secular knowledge of the pupils, but their growth in the religious principles deemed fundamental by this people; or, at least, to prevent, through the instruction of teachers of other religious principles, or wholly without principle, the alienation of the minds of their children from the faith of their fathers. Could these meetings, and these contributors, have contemplated that this fund should fall into the hands of men of opposite opinions, or of no opinions? Could these men, who acknowledge the obligation of this discipline, enjoining, as it does, upon parents and heads of families, "to instruct their children in the doctrines and precepts of the Christian religion, as contained in the Scriptures," and "to prevent their children from having or reading books and papers tending to prejudice the profession of the Christian religion, or to create the least doubt concerning the authenticity of the Holy Scriptures, or of those saving truths declared in them, lest their infant and feeble minds should be poisoned thereby." I say, is it possible that such men could have expected that their children should be taught by Elias Hicks, that the Scriptures "have been the cause of fourfold more harm than good to christendom since the apostles' days." And that "to suppose a written rule *necessary*, or *much useful*, is to impeach the divine character?" Or, that they should be taught by him, or by any one else, that each individual must interpret them for himself, entirely untrammelled by the opinions of man; and that the dictates of the light within are of paramount authority to Scripture, even when opposing its precepts? Surely, this would be a breach of trust, and a perversion of the fund which the arm of this court not only has, but ought to have power to prevent.

I would not be understood, to impute the doctrines of Elias Hicks to that party which

bears his name. Nor do I mean to intimate that they would abuse this trust, but I have endeavoured to show that doctrines may justly have an influence on the decision of the question now before us. And without coming to any conclusion with respect to their doctrines, I am of opinion, that this fund should be awarded to that meeting which has shown, at least to my satisfaction, that they agree in doctrine with the Society of Friends, as it existed at the origin of this trust.

I do, therefore, respectfully recommend to His Excellency the Chancellor, to decree upon this bill of interpleader, that the principal and interest due on the said bond, of right belong, and are payable, to the said Joseph Hendrickson; and that he be permitted to proceed on his original bill of complaint, or otherwise, according to the rules and practice of the Court of Chancery.

GEORGE K. DRAKE.

PLEADINGS

129

THE COURT OF APPEALS.

NEW JERSEY.

IN THE COURT OF APPEALS IN THE LAST RESORT IN ALL
CAUSES OF LAW.

Between
Stacy Decow, who is
impleaded with Joseph
Hendrickson, *Appellant*.

v.

Thomas L. Shotwell, *Respondent*.

} On bill of interpleader.

Thomas L. Shotwell, and
Elizabeth, his wife,
ads.
Joseph Hendrickson.

} On bill to foreclose.

To the Governor and Legislative Council of the State of New Jersey, in the Court of Appeals, in the last resort in all causes of law.

The petition and appeal of Stacy Decow, one of the defendants in the court below, in the above entitled causes, and the appellant herein, respectfully sheweth,—

That he doth hereby appeal to this Court of Appeals, in the last resort in all causes of law, from the interlocutory decree made by the Court of Chancery of the State of New Jersey, on the tenth day of July, in the year of our Lord, one thousand eight hundred and thirty-two, in two certain causes therein depending;—one wherein Joseph Hendrickson, the above named respondent, was complainant, and the said Thomas L. Shotwell and Elizabeth his wife, were defendants, on a bill for the foreclosure of the equity of redemption of and in certain premises mentioned in a certain mortgage in the said bill set forth, or for the sale thereof;—and the other cause, wherein the said Thomas L. Shotwell was complainant, and the said respondent, Joseph Hendrickson, and this appellant, were defendants, on bill of interpleader, whereby it was and is declared, that it appearing that the preparative meeting at Crosswicks, designated in the pleadings in the said cause as Orthodox, and attached to the yearly meeting held at Arch street, in Philadelphia, in the pleadings and proofs mentioned, is the true preparative meeting, and a continuance of the preparative meeting at Crosswicks, at the time the said Joseph Hendrickson was appointed treasurer of the said school fund, and at the time when the said school fund was created, in the said pleadings mentioned, and that the said Joseph Hendrickson is the true and lawful treasurer of the said school fund, to hold the same in trust for the said preparative meeting, and as such treasurer and trustee, as aforesaid, is entitled in equity to recover and receive the moneys intended to

be secured by the said mortgage, for the recovery of which the original suit was brought and referring it to Samuel R. Hamilton, Esquire, one of the Masters of the said Court of Chancery, to take and state an account of what is due upon the said mortgage, for principal and interest; and also, from the final decree, made by the Court of Chancery on the seventeenth day of January, in the year of our Lord, one thousand eight hundred and thirty-three, in the same causes; whereby it was and is declared, that the said respondent do recover of the said Thomas L. Shotwell, the complainant in the said bill of interpleader, the said sum of two thousand six hundred and sixty-seven dollars and fifty cents, the mortgage debt, with interest thereon, from the twenty-fourth day of October, in the year of our Lord, one thousand eight hundred and thirty-two, deducting thereout, the costs of the said Thomas L. Shotwell, to be taxed, in the interpleading suit, and that the said Joseph Hendrickson have execution therefor,—as by the said interlocutory and final decrees, to which your petitioner and appellant begs leave, for greater certainty to refer, will more fully and at large appear.

That your petitioner is advised, that the said several decrees are erroneous, and ought to be reversed, or modified. And your petitioner, according to the rules and practice of this court sets forth the following grounds of his appeal:—

First, that the said court, from the pleadings and proofs, in the before mentioned causes, and the law of the land, ought to have declared, that the preparative meeting at Crosswicks, designated in the said pleadings as Hicksite, is the true preparative meeting, and a continuance of the preparative meeting in existence at Crosswicks, at the time when the said school fund was created, and at the time when the said respondent, Joseph Hendrickson, was appointed treasurer, and the said bond and mortgage in the pleadings mentioned was made and executed, and that this petitioner and appellant was, and is the true and lawful treasurer of the said school fund, to hold the same in trust for the said preparative meeting, and as such treasurer and trustee, was and is entitled in equity to recover and receive the moneys intended to be secured by the said mortgage, for the recovery of which, the said original suit was brought.

Secondly—And if the said court should not have declared that this petitioner and appellant was entitled to recover and receive the whole moneys due on the said mortgage, then that the said court ought to have declared, that in equity, this petitioner and appellant was entitled to such division or portion of the said sum, ratably and equally as the members of the society of Friends of the said Chesterfield preparative meeting designated in the said pleadings as Hicksites, bear to the members of the said preparative meeting therein designated as Orthodox, or that the said school fund should be equally divided between the said two parties.

Thirdly—That the said original bill ought to have been dismissed.

Fourthly—That the said court ought to have awarded and decreed the whole of the mortgage debt to be due and payable to your petitioner, as treasurer and trustee, as aforesaid.

Fifthly—That the said several decrees, and each of them, is and are erroneous, unjust, and inequitable, upon the pleadings and proofs in the said causes, and subversive of the legal and equitable rights of that portion of the society of Friends, to which this petitioner and appellant belongs, and an infringement of their religious and constitutional rights, and ought to be reversed or modified.

And this petitioner and appellant further sheweth, that he hath deposited with the clerk of the Court of Chancery, the sum of one hundred dollars, to answer the costs of this appeal, agreeably to the rules of the court in such case made and provided.

Wherefore, this appellant and petitioner, respectfully prays, that copies of the said several decrees, so appealed from, and the several orders in the said several causes, may be made by the clerk in Chancery, with all convenient speed, and that he, the said clerk, may deliver the same, with all the pleadings, depositions, exhibits and papers which may have been filed in his office, relating to the said several causes, to the clerk of this court; and that the said respondent may file an answer to this petition of appeal, within thirty days after service of a copy thereof, or in default thereof, this petitioner and appellant, may enter a rule for a hearing, and bring on the same as prescribed by the rules of this court; and that the said several decrees may, by this honourable court, be reversed or modified, in the said several particulars herein before specified; and that such other decree may be made therein, by this court, as shall be agreeable to equity and good conscience, and grant to this petitioner and appellant, such relief in the premises, as to the court, in their great wisdom shall seem meet, whereby

this petitioner and appellant may be restored to all things which he hath unjustly lost in and by the said several decrees.

And this petitioner and appellant, as in duty bound, shall ever pray, &c.

GARRETT D. WALL, <i>Solicitor and of Counsel</i>	}	For Pet'r.
SAM'L L. SOUTHARD, <i>Of Counsel, &c.</i>	}	& App'l.

The answer in the usual form is filed.

**IN THE COURT OF APPEALS IN THE LAST RESORT IN ALL CAUSES
OF LAW.**

Between Joseph Hendrickson, Defendant in the court below, <i>Respondent, &c.</i> and Stacy Decow, <i>Appellant.</i>	}	On bill of interpleader, and bill to foreclose.
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The answer of Joseph Hendrickson to the petition of appeal of Stacy Decow, appellant.

This respondent not confessing or acknowledging all or any of the matters or things to be true as in and by the said petition and appeal are mentioned and set forth,

For answer thereto, nevertheless he says he believes it to be true that such decree as is complained of was made by the Court of Chancery as in the said petition mentioned and set forth, but as to the dates, substance and contents thereof, this respondent respectfully craves leave to refer thereunto when the same shall be produced, and he respectfully conceives and is advised that the said decree is agreeable to equity and good conscience, and therefore hopes that the same shall be affirmed, and that the said petition of appeal be dismissed this Honourable Court with costs.

J. H. WILLIAMSON,
Solicitor, and of Counsel with the Respondent.

NEW JERSEY COURT OF APPEALS, SPECIAL TERM OF JULY, 1833.

Wednesday, July 17, 1833,

At nine o'clock, the Court met: Present,

THE GOVERNOR,
THE VICE PRESIDENT,

Messrs. BOARD,
HOLMES,
GREEN,
CAMPION,
M'DOWELL,
KAIGHN.*

Messrs. TOWNSEND,
CLARK,
WOOD,
MERKLE,
WILLIAMSON.*

Stacy Decow who is impleaded with Joseph Hendrickson, Appellant, vs. Thomas L. Shotwell, Respondent,	}	Appeal from Chancery on bill of interpleader.
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Thomas L. Shotwell and wife, Appellants, vs. Joseph Hendrickson, Respondent.	}	Appeal from Chancery on bill to foreclose, &c.
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Garrett D. Wall, and Samuel L. Southard, of counsel for appellants.

George Wood and Theodore Frelinghuysen, of counsel for respondents.

On motion of Garrett D. Wall, this cause came on to be heard.

The pleadings in the cause were read, when the Court adjourned till three o'clock in the afternoon. (See page 43.)

At three o'clock the court met, and the reading of the testimony was commenced and continued from day to day till Friday afternoon the 26th of July, when it was concluded, and the Court adjourned till Monday.

Monday, July 29, three o'clock, P. M. the court met, Mr. Wall commenced his opening:

In the history of the jurisprudence of this state, never has a case occurred so important in its principles and so momentous in its con-

* The names of these two gentlemen appear upon the minutes, as the Governor and Council frequently had other business, at which they attended, but neither of them participated in the deliberation of the court, during the progress, or at the termination of this cause.

sequences as the one which now demands the determination of this court. A society whose bond is unity, and who *professing* to act, and acting on the great and peace-giving precept of our Saviour, "Do unto others as you would wish others should do unto you," after nearly two centuries of peace and union among themselves, which has testified to the world, that they have been favoured with the presence of the great Head of the Church in their hearts, have divided and separated. There was a time in the history of this peculiar people, when under the guidance and influence of the Divine Light, they merited and received the pagan eulogy upon the primitive Christians, "See how these Quakers love one another." There was a time, when, true to the monitions of their inward light, they experienced, and flourished under, the operations of their fundamental truth, the Shibboleth, as it has been termed, of their society,—“The love and power of God operating on the heart, and thence influencing the judgment, and producing an unity of feeling, brotherly sympathy, and condescension towards each other.” That that time has passed away, the situation of these parties, and the vast mass of testimony, to which the court has paid such devoted and unremitted attention, too truly proves. And my clients are compelled to appear before you to defend their rights of property, and what is still more dear and sacred, their religious rights. It is only by the *invasion* or *destruction* of the *latter* that the *former* can be reached or endangered.

In undertaking the task of presenting this case for your review, I feel that I have much need of the indulgent forbearance of the court. I ask that indulgence, as well on account of the magnitude of the questions involved, as of the immense variety of facts and documents which it will be my province to examine and present to the court, in order to enable them rightly to understand and decide upon its merits. And during the progress of my observations, I would ask the charitable forbearance of the party to which I stand opposed. If in the heat of argument, I should let fall any expression capable of being misunderstood, I trust that it will not be interpreted as intended to express anything personally disrespectful to those whose acts must here be subjected to examination, or to their motives of action.

I enter upon this investigation, with no feelings but those of the most profound respect for the general character of the society of Quakers: and entertaining a deep conviction of the multiplied and inestimable blessings which, under the supervision of Providence, they have been the means of diffusing through the whole family of mankind. Whilst, therefore, I endeavour, in this court, to vindicate the cause and the conduct of my clients, let it be distinctly understood, that I enter upon that office, disclaiming any intention to impugn the motives, or arraign the character or proceedings of their adversaries, save so far as the purposes of a fair and liberal scrutiny may demand. I shall sedulously endeavour to avoid every imputation or expression which may be calculated to wound or irritate the

feelings of others; but it will be my duty, and from such an obligation I shall never shrink, to state and investigate the facts plainly and unreservedly, and to draw such inferences as may appear fairly and correctly deducible from those facts, however painful it may be to me to do so.

We have appealed from the decision of Chief Justice Ewing and Justice Drake, (acting in the capacity of Masters in the Court of Chancery) declaring that the *preparative meeting at Crosswicks* designated in the pleadings in this case as *Orthodox*, and attached to the yearly meeting held at Arch street in Philadelphia “is the true preparative meeting, and a continuance of the preparative meeting existing at Crosswicks at the time Joseph Hendrickson was appointed treasurer of the said school fund, and that the said Joseph Hendrickson was the true and lawful treasurer and trustee of the said school fund, and that as such he is entitled in equity to recover and receive the money intended to be secured by the said mortgage, for the recovery of which that original suit was brought.”

I shall treat the decision of those judges with the most respectful consideration. To their general learning, talents, and impartiality, it will afford me gratification on this, as on every other occasion, to record my testimony, and to pay the tribute of my respect. But that they are fallible, that their judgments may not be unerring, not only the establishment of this court, but the record of its proceedings, will afford proof too palpable to be mistaken. Happily, in courts of law, a difference of opinion is accompanied neither with disgrace nor forfeiture. I think, therefore, I ask nothing beyond that which, within the limits of strict justice, I may with propriety ask, in soliciting you to examine the opinions of those learned jurists, and to test it by the facts as they have appeared in the case, and by the law, as it shall arise upon those facts, and then to reverse or affirm it accordingly. If, on such an investigation it should be found, that the just determination of this cause is dependent mainly upon the true understanding of the facts, and on the application of a few plain and simple fundamental principles of law which pervade the whole of our civil institutions, and are in this country become legal as well as political axioms, supported not only by those institutions, but by the dictates of common sense and natural right, the court will not hesitate to exercise their own judgment on the subject, yielding to that opinion such influence only, as may arise from a conviction of its correctness.

Miserable indeed, would be the condition of the citizen, if the utmost freedom of investigation was not allowed in the revision of opinions pronounced by judges upon his rights; and if the character and influence of the judges pronouncing the opinions appealed from, should be invoked to control the free action of the judgment and consciences of this court. Such, most fortunately, is the constitution of our judicial system, that the opinion of every court in the state (save one) must be subjected to the higher authority of this, springing from the unbiassed suffrages of the people, holding its power only for an

annual term, when it must again be placed at the disposition of the people who gave it, to be re-delegated to the same functionaries, or entrusted to the hands of others, as they in their wisdom shall think proper. This court is the great Areopagus of the state, sitting, not merely in a judicial capacity, tied down by the strict rules of the law, but as a legislative body, which has full power to act according to its own wisdom. It is a court whose powers are transcendant; it possesses the same powers, the same jurisdiction, and is governed by the same principles, as the House of Lords, in England. As to the extent of that power, I would refer to 4th Ecclesiastical Reports, p. 355, and 1st Haggard's Consistorial Reports, p. 130. In the case of *Lady Ferrers v. Lord Ferrers*, that great and enlightened jurist, Sir Wm. Scott, (now Lord Stowell,) says, "It is not my business to advert to what would be the conduct of the House of Lords, or of a court of common law. The House of Lords, do not sit merely in a judicial capacity, tied down by certain rules, but as a legislative body, which has full power to act according to its own wisdom; so that their proceedings are not to be considered as mere forensic acts, but as acts of the legislature."

This is the great principle which limits and explains the jurisdiction of the House of Lords in England, in analogy to whose powers those of this honourable court have always been held.

There is one other preliminary observation which it is my duty to submit. We have witnessed a procedure in the progress of this case, which, in my knowledge at least, has never been experienced before in this state, and which, I hope, will never be permitted to grow into a precedent. While this cause was pending, after this appeal was taken, and when it was known that it was to come in review before this court, we have seen a report of the opinion of the court appealed from, and which we complained was erroneous, together with the arguments of the counsel who sustained it, published to the world, under the captivating title of "The Society of Friends Vindicated," and widely circulated in and out of the state. I will not say, that this was done with the funds, nor with the procurement of our adversaries; and I most certainly do not intend to charge it upon the "society of Friends," but I allude to it merely with a view to condemn the act, and to enter my protest against it. It is the first instance wherein such an unjustifiable procedure has been attempted, and I trust it will be the last. Its certain and inevitable effects, no man can misapprehend. The sure result of such a course is, to present a partial and unfair statement of the case, and thereby to create prejudices against us, which it may be a matter of serious difficulty to overcome. The facts and the law of the case, and the arguments and positions of the counsel of my clients, are seen only through the misty or distorted medium of anticipation or refutation of the counsel of our adversaries—whilst everything which was calculated to influence or enlist sectarian prejudice or feelings, or to varnish over the conduct of our adversaries, has been presented with all the light and shade of inge-

nuity and eloquence. Even the pleadings in the cause, so essential to the formation of a correct opinion, have been entirely omitted. I advert to this singular feature in the case, not in a spirit of bitterness, not for the purposes of crimination, but merely to beseech the court to protect us from the evil influences of such publications; and not to permit them to affect the fair and righteous investigation of our cause. I trust I shall be able well to satisfy this honourable court, that the case which has been put forth in that publication, is not the one which was in truth and reality submitted; and that the case as here presented, carries with it a very different aspect from that which it bears in the book I allude to.

This is a dispute among the religious society of Friends, much to be lamented by all well-disposed and thinking persons. A society hitherto distinguished for their avoidance of litigation, and which, for nearly two centuries, has been silently wearing away the foundations of contention; a society which has, in an eminent degree, infused its spirit into our civil institutions, and impressed its simplicity upon our forms of government. This suit exhibits, in strong and indelible characters, the deep and intimate knowledge of William Penn, of the origin of government, and the inherent causes of its perversion or dissolution. In Proud's History of Pennsylvania, p. 197-8, William Penn thus writes:—"I do not find a model in the world, that time, place, and some singular emergencies, have not necessarily altered; nor is it easy to frame a civil government that shall serve all places alike." "Any government is free to the people under it, (whatever be the frame,) where the laws rule, and the people are a party to those laws—and more than that, is tyranny, oligarchy, or confusion." "There is hardly one frame of government in the world, so ill designed by its first founders, that in good hands, it would not do well enough; and history tells us, the best, in ill ones, can do nothing that is great and good. Witness the Jewish and Roman states. Governments, like clocks, go from the motion men give them; and as governments are made and moved by men, so by them are they ruined too. Wherefore, governments rather depend upon men, than men upon governments. Let men be good, and the government cannot be bad—if it be ill, they will cure it. But if men be bad, let government be never so good, they will endeavour to warp and spoil it to their turn." "That, therefore, which makes a good government, must keep it, to wit, men of wisdom and virtue; qualities which, because they descend not with worldly inheritances, must be carefully propagated by a *virtuous* education of youth, for which after ages will owe more to the care and prudence of founders, and the successive magistracy, than to their parents for their private patrimonies."

Wise and good as the institutions and discipline of this society are, and modelled to preserve peace among brethren, and repress, if not eradicate, the spirit of contention and litigation, still they depend upon the virtue, wisdom, and intelligence of the members of the society, to

ve to them the peaceful and harmonious movement contemplated by its founders.

But, however wide-spread and desolating may be the eruptions of this dispute, however terrific may be the outpourings of its flames, and however fearful its effects may be to the present members of this society, they may find a blessed consolation in the thought, that in heaven's own good season they may look forward to a time, when its strength will be conquered, and its fires, like those of an exhausted volcano, will be quenched; and when on the lava, the ashes, and squalid coriæ of its eruption, will spring up in verdure and in beauty, the peaceful olive, the cheering vine, and the life-sustaining corn. Such have been the effects of similar convulsions in civil and religious societies in ancient times, and such will surely be the results in the present instance: the contest cannot exist for ever. And it is now the province of this court to bring it to a termination, so far at least, as concerns the subject matter of this suit.

This case was originally commenced in the High Court of Chancery of New Jersey, by Joseph Hendrickson, against Thomas L. Shotwell, and Elizabeth, his wife. Its object was, to recover a sum due on a certain bond and mortgage, bearing date the 4th of April, 1821, for the payment of two thousand dollars in one year with interest, given by Shotwell "to Hendrickson *as treasurer of the school fund at Crosswicks meeting.*" It will be proper for us to pause a moment, and ascertain the origin, nature, and objects of this school fund. Here then, in the outset, both the parties agree; there is no dispute. This fund was created by voluntary contributions of the members of that meeting, and of such other persons as thought proper to add their benevolence for its enlargement. I shall not waste the time of the court by reading the documents on the subject. The facts are distinctly stated in the bill of interpleader; and I mention them now only for the purposes of reference. In the first volume of the Evidence, pages 11 and 12, the court will find the history of this fund determined with very great clearness. "That in the year 1792, certain persons, styling themselves members of the preparative meeting of the people called Quakers, at Crosswicks, in the county of Burlington, and State of New Jersey, promised to pay on demand, and in specie, at the rate that it then passed, unto Samuel Middleton, *then treasurer of the school at Crosswicks aforesaid, begun and set up by, and under the care of the preparative meeting of Friends at Crosswicks aforesaid, on the 27th day of twelfth month aforesaid, or to his successor or successors in office, the sums of money by them severally written against their names, with interest therefor, at the rate of five per cent., the principal whereof so subscribed, to be and remain a permanent fund, under the direction of the trustees of the said school, then or thereafter to be chosen by the said preparative meeting, and by them laid out or lent on interest, in such manner as they shall judge will best secure an interest or annuity, to be applied to the education of such children, as then did or should thereafter belong*

to the same preparative meeting, whose parents are not of sufficient ability to pay for their education. And in case the whole, or any part thereof, should not be wanted for such purposes, the said interest or income, or such part thereof as should not be so wanted, to be applied to such other uses of the said school or schools, then or thereafter to be erected by the said meeting, as the said trustees, then or thereafter to be appointed, or a majority, to consist of not less than five of them, shall think will best answer the designs of the institution." "That under said subscription there was raised in 1792, the sum of £306 5s. 10d. and under a subscription of the like import, and for the like purpose, in the year 1795, there was raised the further sum of £219 2s. 6d. which, together with the sum of £54 18s. 4½d. contributed by the preparative meeting of Chesterfield, (being the quota of the quarterly meeting stock) amounted to £580 6s. 8½d."

Hence it appears, that the fund was contributed by two subscriptions, wholly by the members of the preparative meeting. There was also a sum of £54 18s. 4½d. being the quota of the quarterly meeting stock, allowed to the Chesterfield preparative meeting. It was the property of that meeting, and they appropriated it to the purpose of increasing that fund, which they had a right to do. It was therefore, amalgamated with and became part of it, and all beyond this was the contribution of the members of that preparative meeting. At that time, the preparative meeting consisted of a number of individuals, some of whom have since joined other preparative meetings; and so scrupulously regardful were they of the rights of those members, that when they ceased to belong to the meeting, the sums which they had contributed were returned. On reference to the documents, it will be seen that a considerable sum was given to subscribers who had ceased to belong to this preparative meeting;* so that when they separated, the sum which remained was the exclusive property of the preparative meeting of Crosswicks. It also appears, that at the period of the commencement of this unfortunate controversy, the fund had increased to a sum exceeding four thousand dollars. The loan now in controversy is only a part of the fund belonging to that preparative meeting.

I beg to remind the court of a few facts which have an important bearing on this subject. In the *first place*, the court will perceive that *this fund was designed for the purposes of education; that it was local, being confined to those children which then did or thereafter should belong to the Chesterfield preparative meeting, at Crosswicks.* So far; therefore, it was local, no others being recognized as having any interest in the trust fund. But there was a restriction beyond this: it was not to *all* the children of parents belonging to that meeting, that the benefits of this fund were to be extended, but to *those only whose parents were "not of sufficient*

* See preparative meeting minutes, exhibit F. 2, 2mo. 1821, &c.

ability to pay for their education." In the next place, the court will observe that when the fund was raised, it was not for the purpose of creating *an entire new school, for the school was then in existence.* Again, I beg the court to recollect, that the fund was under the charge of trustees *to be appointed by the preparative meeting of Friends, at Crosswicks.* They were not to be appointed by the Chesterfield monthly meeting, nor by Burlington quarterly meeting, nor by the yearly meeting of Philadelphia, but by *the preparative meeting of Friends, at Crosswicks.* The pleadings admit it; the preparative meeting named therein, is the *same preparative meeting* which did exist at Crosswicks, at the creation of the fund. Lastly, when the "whole or any part of the said fund should not be so wanted," and the said trustees thereby become entitled to the application of the fund, it is referred to a "majority of them, to consist of not less than five;" thereby in the very inception of the fund, recognizing the principle, that in case the trustees should not be unanimous on the subject of its application, it should be determined on the principle of majority.

It appears from the evidence in the cause, that (see testimony of Samuel Craft, Josiah Gaskill, and James Brown) the school has ever since been continued, and was for a short time before the institution of this suit, and ever since has been conducted under the direction of the trustees of the same school, appointed by the Chesterfield preparative meeting at Crosswicks, or as they are called in the pleadings, *Hicksites.*

It appears by the minutes of the first month of the year 1830,* that this fund amounted to the sum of four thousand and ninety-nine dollars sixteen and a half cents. I also refer to the testimony of Samuel Craft, Josiah Gaskill, and James Brown to prove the fact, which is not pretended to be denied, that the school was maintained in the customary manner, and according to the rules prescribed and laid down in conformity to the terms of the subscription. What, then, is the nature of the present suit? It is not brought on any allegation of *abuse of trust*, nor on any *pretence that the trust* has been misapplied. *No charge* of such a character is *made.* Its object is to obtain possession of the fund, in order to place it in the charge of trustees, not of the school set up at the time, but of trustees who have no school, and who will have to erect one; the school was in existence when the fund was contributed, it has been in existence ever since, and it now continues to be attached to the preparative meeting to which it originally belonged. If, therefore, you take the fund from these trustees, you take it from the Chesterfield preparative meeting of Friends at Crosswicks, by whom it was created, and to whom it originally and rightfully belonged.

Inasmuch, therefore, as the school, for the support of which this fund was designed, is now in the charge of those whom Decow repre-

* Exhibit, F. 2.

sents, it becomes important to inquire on what ground the complainant below seeks to produce a change of this fund. It is not, as I have already observed, on the ground of the *faithlessness of the trustees*, nor is it on the ground that Hendrickson represents the majority of those constituting the preparative meeting, for the evidence, vol. ii. p. 469, 471, *proves that the Orthodox are a small minority*. It shows that there are forty-two men Friends, sixty-one women Friends, and fifty-nine children, making a total of one hundred and sixty-two who unite with Decow in defending this suit.

By referring to the same evidence it will be found that on the part of the Orthodox Friends, there were in the meeting forty-six men and women, and twenty-seven children, making a total of seventy-three. By another estimate there were only fifty-two. So that in this preparative meeting there were on the part of the Orthodox Friends a total of only seventy-three, whilst on the part of those who are designated *Hicksites*, there were one hundred and sixty-two.

The object of the suit is not to place the fund within the control of the original contributors; for I think the Court will find it stated in 2d vol. of Ev. p. 470, that at the time this separation took place, there were only eight of the original contributors living; seven of whom were united with Friends, as were also forty-eight children of the original contributors. While united to the Orthodox Friends, there was only one original contributor, and twenty-eight children of original contributors, who continued to be members of the preparative meeting. The suit then is not brought for any of these purposes. It is brought to obtain possession of the fund; nor is this indeed the only object. Had it been so, those whom I represent would not have come into this court. There are other and more dangerous and alarming objects in view. We have been dragged hither, and in a manner, I must confess, somewhat novel, by those who style themselves Friends. We sought not the contest; and we now seek to vindicate our religious character, and preserve inviolate our religious and civil rights.

The Court will recollect that the part of the fund in question, namely, the sum of two thousand dollars, at the time of the separation, was outstanding on bond and mortgage, which had been given to Joseph Hendrickson, as the then treasurer of the school fund. He had a legal right to enforce payment of the bond, or to avail himself of the mortgage, if it should become necessary to resort to its security. And this, if it was requisite to adopt any coercive measures, would have been the simplest mode for the society to have carried the objects of the fund into effect. It does not appear that the fund was insecurely vested, or that any exigency demanded that it should be called in. But the fact that this sum of money was outstanding on bond and mortgage, though it was all-sufficiently secured at the period of the division, is laid hold of as the most favourable medium by which this contest might be brought into a court of law, and there receive a judicial determination. Hence the complainant does not content

himself merely with filing his bill to foreclose the equity of redemption, or to make sale of the mortgaged premises, but he resorts to it as a means to provoke litigation and engender contest. Had it been simply such a bill, my clients might have elected whether they would enter on the present controversy or not. But as it was, my clients had no such alternative; every loophole to escape was closed upon them; they were left without a choice, and were compelled, reluctantly and unwillingly, to follow their adversaries—alas, no longer brethren!—here.

The *Friends*, as whose advocate I appear, are charged with being separated from the society of Friends; with being disorganizers in discipline, and schismatics in faith, and with having forfeited all right to the trust fund in question, by departure from the faith and discipline of their forefathers. In the original bill, page 9, it is expressly charged, “that the Hicksite party aforesaid have seceded, not only from the faith, but from the religious institutions and government of the society of Friends.”

The Friends, then, could not fly from this investigation; they were bound and chained to the stake; and the only ground on which the Orthodox now seek the disfranchisement of their civil and religious rights, is for an alleged difference in opinion in relation to the fundamental principles and discipline of the society. For this they are to be excommunicated and bereft of their dearest rights and privileges; for this, by one fell swoop, they, and all who had been associated in communion with them, their children and their children’s children, are to be thrust from the society, and excluded from any participation in the benefits of this fund. Hence it is, the Friends, who are represented by Decow, have found it necessary in justice to themselves, to their own rights, and to the rights and protection of those innocent orphans for whose benefit this fund was designed, to assert their claim before this, the highest and most solemn tribunal of our state.

In consequence of this position they filed their bill of interpleader. But they did not adopt this course till every effort at reconciliation with their adversaries had proved abortive. They offered to divide the fund or stock equally, or pro rata, with the other party; but the proffered olive branch was rejected. The only answer they received was, “all or none.” They were therefore summoned hither to defend their rights by all the most generous, the best, and the noblest feelings of our nature, warranted and sanctioned by the purest dictates of our holy religion. Under the influence of these feelings, and guided alone by these all-impelling motives, they became parties to this suit. Thus attacked, as they were, by the charges contained in the original bill, they gave notice to Shotwell not to pay over the money. Therefore Shotwell, for his protection and indemnity, was compelled to file a bill of interpleader against Hendrickson and Decow, who claimed the money, and which bill of interpleader, by a decree of the court made in the term of January, 1832, and not appealed from, was de-

clared to be correctly filed; and the said parties to interplead touching the matters set forth and contained in the bill of interpleader, and original bill to foreclose. To this bill of interpleader, Hendrickson first filed his answer; and I deem it necessary to call the attention of the court to the substantial parts of it, as regards the question of the doctrines of the society from which we are alleged to have seceded, in order that we may understand precisely the points on which the Orthodox party lay claim to the whole fund. In vol. i. p. 28, it is thus stated: "That the society of Friends, as a Christian sect, hold doctrines, in reference to Christianity, which, like those of other sects, are in some measure common to all Christians, and in other respects peculiar to themselves. In what among Protestants are commonly deemed the great essentials of Christianity, the religious sentiments of the society of Friends are in accordance with the doctrines commonly entertained by the other Protestant sects of Christians, who arose after the dawn of the great Protestant reformation in Europe. That some of these doctrines still are, and always have been, by the said religious society of Friends, considered fundamental." In page 30, Hendrickson saith, "That the following religious doctrines have always been held and maintained by the society of Friends, or people called Quakers. In the first place, although the society of Friends have seldom made use of the word trinity, yet they believe in the existence of the Father, the Son or Word, and the Holy Spirit; that the Son was God, and became flesh; that there is one God and Father, of whom are all things; that there is one Lord Jesus Christ, by whom all things were made, who was glorified with the Father before the world began, who is God over all, blessed for ever; that there is one Holy Spirit, the promise of the Father and the Son, the leader, sanctifier, and comforter of his people; and that these three are one, the Father, the Word, and the Spirit. That the principal difference between the people called Quakers and other Protestant trinitarian sects, in regard to the doctrine of the trinity, is, that the latter attach the idea of individual personage to the three, as what they consider a fair logical inference from the doctrines expressly laid down in the Holy Scriptures. The people called Quakers, on the other hand, considering it a mystery beyond finite human conception, take up the doctrine as expressly laid down in the Scripture, and have not considered themselves as warranted in making deductions, however specious. In the second place, the people called Quakers have always believed in the doctrine of the atonement; that the divine and human nature of our Saviour were united, and thus united he suffered; and that through his sufferings, death, and resurrection, he atoned for the sins of men; that the Son of God, in the fulness of time, took flesh, became perfect man according to the flesh, descended and came of the seed of Abraham and David; that being with God from all eternity, being himself God, and also in time partaking of the nature of man, through him is the goodness and love of God conveyed to mankind; and that by him again, man receiveth

and partaketh of these mercies; that Christ took upon him the seed of Abraham, and his holy body and blood were an offering and sacrifice for the sins of the whole world. In the third place, the people called Quakers believe that the Scriptures are given by inspiration, and when rightly interpreted are unerring guides, and to use the language adopted by them, they are able to make wise unto salvation, through faith which is in Jesus Christ. They believe that the spirit still operates upon the souls of men, and when it does really and truly so operate, it furnishes the primary rule of faith; that the Scriptures proceeding from it must be secondary, in reference to this primary source whence they proceed, and inasmuch as the dictates of the spirit are always true and uniform, all ideas and views which any person may entertain repugnant to the doctrines of the Scriptures, which are unerring, must proceed from false lights. That such are the doctrines entertained by the ancient society of Friends, and that the same doctrines are still entertained by the Orthodox party aforesaid, (to which party Hendrickson belongs;) that these doctrines are with the said religious society fundamental, and any individual entertaining sentiments and opinions contrary to all or any of the above mentioned doctrines, is held not to be in the same faith with the society of Friends or people called Quakers, and is treated accordingly."

Having thus distinctly and clearly ascertained from the pleadings, the fundamental doctrines, or creed, on which the Orthodox party have presented themselves in this court, and which they allege to be the true Quaker creed, and which they allege and charge that Friends do "not adopt and believe in, but entertain opinions entirely and absolutely repugnant and contrary thereto," whereby they have forfeited their right to any part of the said trust fund. They not only undertake to set forth their own faith, but also that of the Friends. They charge, that those whom they call the Hicksite party, in regard to the first religious doctrine above named, "believe that Jesus Christ was a mere man divinely inspired, partaking more largely of divine inspiration than other men, but that others, by resorting to the same means, and by using the same exertions, may receive the same portion or measure of divine inspiration; that Jesus Christ, as well as the apostles and prophets, never has been and never can be set above other men; and though of late the said Hicksite party sometimes ascribe divinity to Jesus Christ, yet they do it only in a figurative sense, from the circumstance of his partaking more largely than other men of divine inspiration; in every other respect they consider him as a mere man. They do not believe that he partakes of the divine as well as human nature, that he is one and the same essence with God, with that supreme and omnipotent being who presides over and governs the universe. In respect to the second religious doctrine, the Hicksite party deny the doctrine of the atonement above set forth, and they contend and believe that man may have access to his God without any mediator. They contend, that the crucifixion and suffer-

ings of Christ, if an atonement at all, were an atonement only for the legal sins of the Jews. In respect to the third doctrine above mentioned, the Hicksite party deny the certainty and divine inspiration of the Holy Scriptures, and hold that they contain doctrines and injunctions which are incorrect, and that they are a mere shadow. That these discrepancies in religion, as above mentioned, between the Hicksite and Orthodox parties, are radical and all-important in the opinion of (Hendrickson) and his party, in reference to the principles and tenets of religion, as held by the ancient fathers of this religious society. The Orthodox party believing, as they firmly do, that the doctrines entertained by the Hicksite party strike at the foundation and main pillars of the Christian system; that in consequence of these differences in doctrine, the Hicksite party are not in the same faith with them and the ancient religious society of Friends." In pages 31-2, and in page 39, he says, "that he does not believe that the Hicksite party adhere to the doctrines of the Christian religion as professed by ancient Friends, and seem, of late, unwilling to divulge their particular religious tenets, and contend that there are no particular religious doctrines held by the society of Friends."

It will be thus seen, that the Orthodox party undertake not only to set forth their own religious tenets, but that of the ancient society of Friends, and with a degree of presumption, which the *solemn affirmation* of Joseph Hendrickson annexed thereto cannot sanction, daringly attempt to answer for the belief of the majority of this society, whom they call Hicksites.

But in matters of belief, each man who has not promulgated it, must answer for himself. Let us see what is the belief avowed by Stacy Decow, and those with whom he is associated by this suit.

In his answer, in page 45 of 2d vol. of Evidence in this cause, he thus meets the charges brought against him. He says, "The society of Friends acknowledge no head but Christ, and no principle of authority or government in the church, but the love and power of God operating on the heart, and thence influencing the judgment, and producing a unity of feeling, brotherly sympathy, and condescension to each other. The *great fundamental principle* of the society, the *divine light and power* operating on the soul, being acknowledged by all its members, as the effective bond of union; the right of each individual to judge of the true meaning of scripture testimony, relating to the doctrines of Christianity, according to the best evidence in his own mind, uncontrolled by the arbitrary dictation of his equally fallible fellow man, hath been as well tacitly as explicitly acknowledged by the society."

In page 49, in further answering, he insists, "that by the law and constitution of New Jersey, the rights of property are sacred and inviolate, and cannot be taken from an individual or religious association without his or their consent, and more especially that it cannot be made to depend on the test of any religious creed, framed after its vesting, and artfully prepared by a minority to answer its pur-

poses." "That the said Chesterfield preparative meeting of Friends at Crosswicks, to which he belongs, is the same Chesterfield preparative meeting of Friends at Crosswicks, under whose care the said school fund was placed by the contributors thereto, and are identified with them in due and regular succession, and are a part of the ancient society of Friends. *That they believe in the Christian religion as contained in the New Testament*, and as professed by ancient Friends, and adhere to the religious institutions and government of the society of Friends, and bear the same cardinal testimonies to the whole world, as are held most important and characteristic in the said society, among which are a testimony against war, a hireling ministry, against taking oaths, against going to law with brethren, and a concern to observe the golden rule, "Do unto all men as we would they should do unto us." In page 50, he further insists, "that the questions and facts introduced in the original bill of the said Joseph Hendrickson, in relation to the schism in the society of Friends, and discrepancies among them, in matters of faith and discipline, if they exist as stated in the said original bill, which he by no means does admit, and also in respect to the separation of the yearly meeting, cannot lawfully or equitably affect the right to the fund belonging to the said Chesterfield preparative meeting of Friends at Crosswicks, and he submits to this court, that the only legitimate inquiry before this court, respects the right of property to the bond and mortgage, and the money due thereon, mentioned in the bill of interpleader, and that neither this, nor any other court, have a right to institute an inquest into the consciences or faith of members of religious societies or associations, or subject them to the ordeal of a creed prepared by those claiming adversely, in order to disfranchise or deprive them of their property or legal rights."

And the said Stacy Decow, in continuation, "although he protests against the existence and exercise of the power, claimed by the said Joseph Hendrickson to reside in this court, and by an original bill invoked, yet conscious of the purity of his own intentions and conduct, and of those with whom he is associated in religious communion and brotherhood, in respect to the pretences of the said Joseph Hendrickson, as set forth in his original bill"—admits, in page 51, "That there has been a dispute and controversy in the society of Friends, which has unhappily divided them. The minority party, assuming the name of the Orthodox party, and bestowing upon the majority of their brethren, from whom they have seceded, the name of Hicksite, a name never assumed or acquiesced in by the majority of the said society to which he belongs, and which name they utterly deny, and claim that only of Friends: and they also deny being the followers of any man or set of men, simply claiming to be the humble disciples and followers of Christ, the great head of the church; and insist that they constitute and compose the great body of the society of Friends; to which name they still adhere, and allege that they still hold, and are endeavouring to maintain and support, the

doctrines, fundamental religious principles, discipline and rules of government of the ancient religious society of Friends or people called Quakers. And he denies that he, the said Stacy Decow, and his associates have seceded either from the faith or from the religious institutions and government of the society of Friends, and the ancient yearly meeting in Philadelphia: and he insists that he and his associates in religious communion have always and still do belong to the Chesterfield preparative meeting of Friends at Crosswicks, in existence at the time of the creation of the school fund, of which the said bond and mortgage form a part; and that they are identified with them in regular and due succession, meet at the same place for worship and discipline, *maintain the same faith*, and support the religious institutions and government of the society of Friends; and the said Joseph Hendrickson and his associates are a minority of said preparative meeting, and have seceded therefrom, and individually withdrawn themselves from communion with it." In page 52, Stacy Decow "denies that the society of Friends, to which he belongs, *have seceded from* the faith, the religious institutions or government of the ancient religious society of Friends, or from the ancient legitimate yearly meeting of the same at Philadelphia." In page 54, Stacy Decow saith, that he "hath been compelled reluctantly to come into this court, to defend the rights of his brethren. And although he admits that there may be some difference of opinion, as to the true faith and discipline of the society, between the great majority of the society of Friends, to which he belongs, and the party called by themselves the Orthodox party; the society of Friends hath been willing to consider it as an honest difference of opinion, uncontaminated by feelings of avarice and greediness for property, and the society of Friends have therefore proposed to them, heretofore, as they are a minority, and have withdrawn from communion with them, and seem desirous to remove and separate altogether, to take no advantage of them on that account, in relation to property, but are willing and disposed to say unto them, as Abraham said unto Lot, 'We were brethren previously to your separation from Friends, and the whole of the property which we held while in unity is before us, and there is enough for us and for you.' And in order that there should be no strife between them on that account, the monthly meeting of Chesterfield, consisting of the members of the Chesterfield preparative meeting and others, made the proposition alluded to in the bill of interpleader for an amicable adjustment in relation to the rights of property, conformably to the principles of justice and equity, thereby maintaining a disposition to do unto others as they would others should do unto them, which this defendant regrets was refused, and the more especially as the refusal is coloured with the pretence of conscientious motives, and he leaves to the said Joseph Hendrickson, the full benefit of his mode of escaping from his obligations to the rules of the society, violated in the institution of this suit."

These, then, to use the language of Robert Barclay, one of the early Friends, are the "fundamental truths," as understood, adopted, and believed by Stacy Decow, and those Friends associated with him in religious communion. First, a belief in the Christian religion as contained in the New Testament, and as professed by ancient Friends, and denying being the followers of any man, or set of men, simply claiming to be the humble disciples and followers of Christ, the great head of the church, and protesting against the right of any court to institute an inquest into the consciences or faith of members of religious societies or associations, or to subject them to the ordeal of a *creed* prepared by those claiming adversely, in order to disfranchise or deprive them of their property or legal rights. Secondly, a belief in the immediate revelation of the divine light or power of God operating on the heart, or what is termed by them "THE LIGHT WITHIN," and of course they acknowledge no head but Christ. And lastly, the assertion of their right to interpret the Scriptures according to the workings or influence of that divine light, exempt from the control, and freed from the trammels of all forms of faith or doctrine, framed by the ingenuity or dictation of mortal and fallible man.

These are the points at issue between these respective bodies. Hendrickson insists that he and his party have a right to the sole control and management of the fund, because they believe in the doctrines of "the trinity, the atonement, and the inspiration of the Scriptures." And they affirm that a belief in these doctrines, as set forth in the answer of Joseph Hendrickson, is essential and fundamental, and that that belief must correspond, in every particular, with the standard put forth in said answer, or they are not in the same faith with the ancient religious society of Friends. He has also charged that the Friends designated as Hicksites, not only do not believe the above mentioned doctrines, but that they have seceded from the faith of the ancient Friends. *Decow* denies all this, and sets forth *his* belief in the manner I have stated.

And here I beg leave to remind the court, that in the position in which these parties stood towards each other, it would have been sufficient if *Decow* had simply denied the charges. It was altogether unnecessary, for the purpose of preventing his being disfranchised, that he should set forth his doctrine. It is admitted on all sides, that at the time the dispute originated, which resulted in the separation, both parties were members of the Chesterfield preparative meeting of Friends, at Crosswicks, entitled to equal rights, and that the appointment of the trustees of that fund, as well as the treasurer, belonged to that meeting. So far, then, they were in unity together, they were in unity as to faith, and had a *communion* of rights; and until those rights are lost, it is idle to attempt to deprive them of this fund. No such claim can lie. Having once been members of that meeting, they must continue so until they have lost their rights by an act of their own, or by the judgment of some legal or ecclesiastical.

tribunal competent to take them away. Till that time arrives, or till it is shown that they have forfeited their privileges as members by some conduct of their own, we assert that no earthly power can dispossess them of the legal rights incident to such membership. It is not pretended in the pleadings, or proved by the evidence, that the meeting has ceased to exist, or that the members whom we represent have been disowned or disfranchised. It is not pretended that there has been any decision of a legal or ecclesiastical tribunal, by which they can be disfranchised. Such a state of things, therefore, can only be brought about by their own voluntary acts and conduct; and the conduct, to which such consequences would be attached, is charged against them in the bill.

It is an improper view of this subject, to say that the fund, which originally belonged to an association, in unity at the time of its vesting, must necessarily, by legal principles, on the voluntary separation of that association, be adjudged to be the property of one of those parties. But here, the Orthodox party seek to divest the Friends of their rights, charging them with a departure from the faith of the ancient society of Friends. When a man is thus attacked, it is not necessary that he also should become an assailant; he may stand on the defensive. And till he has declared his departure from that doctrine, or till, by some overt act of his own, he shall demonstrate that he has so departed, it is sufficient for him to deny the charge, and that denial, *prima facie*, must stand in the place of proof. Not so, however, with Hendrickson. Unless he can prove, clearly and conclusively, what are the doctrines of the society of Friends, and that Decow and his associates no longer adhere to those doctrines, he stands just where he did in the outset; he cannot dispossess any man of his community of rights. The onus of proof is with him: he has undertaken to prove it, and he must do so. Hitherto he has failed. It will not do for him to rest on the silence of Decow, as to the doctrines of the society in respect to the trinity, the atonement, and the inspiration of the Holy Scriptures. These are matters on which Decow was not called upon to answer. They are points of speculative theology upon which the Christian church, from its establishment to the present day, have been divided. They may be justly termed the controversial grounds of the Christian religion. No inference, therefore, can be legally drawn, because Decow has not undertaken to disclose and set forth the views of the society of Friends, and of the primitive fathers of their society, upon these points.

Hendrickson, then, can claim nothing from the situation of Decow, in regard to the doctrines I have stated. It would be strange indeed, if these doctrines, which are alleged to be common to Christians of all Protestant denominations, should now, for the first time, be found to belong exclusively to the society of Friends; and when such a proposition is put forth, it must be sustained by adequate proof. The particular doctrines which Hendrickson sets up, as forming the dis-

crepancies in the religious opinions which he alleges have divided the society of Friends, really form no part of the issue between the parties in this cause. *Decow* has protested, in his answer, against the right of this court to compel him to go further than simply to state the fundamental truths of the society to which he belongs. He insists that no court has a right to go beyond this length, to institute an inquest into his conscience, to inquire into the mode or extent of his belief of those fundamental truths, or to subject him to the ordeal of a creed framed by the adverse party, in order to dispossess him of his property or rights. Hence we find that he protests against this proceeding by the Orthodox party. It will be necessary that the court should understand this protest, because there is manifestly a misunderstanding on the part of both the judges on this point. I again refer to the protest, to be found in page 49 of the first volume of Evidence.

How proper and correct this protest is, will be at once perceived, by looking to the relative positions of the contending and interpleading parties. It contains two main points: first, that he ought not to be put to the test of a creed framed by persons opposed to him (and those, too, being a minority of his society); and secondly, that when he has professed his belief, no court has a right to go into the details of his faith. It is against this attempt to sift the consciences of men, that the protest is made. He has, therefore, very properly acknowledged his belief in the doctrines of the Christian religion, as contained in the New Testament, and in the immediate revelation of the spirit. Beyond this, he denies the authority of any man, or of any court, to inquire; he denies the right of any man, or any court, to interrogate more particularly on those subjects and doctrines which have been, and continue to be, a subject of controversy through the whole Christian world. And I trust I shall be able to demonstrate to the court, that this protest is based, firmly and rootedly based, upon the great principles of civil and religious liberty.

I would here anticipate an argument which it is necessary I should refer to, because it is mainly depended upon in an opinion which I must hereafter meet: namely, that the answer of *Decow* is not sufficient. Now, if the answer was not sufficient, Hendrickson ought to have excepted to it: then the question would have come fairly up for judicial decision—then the validity of the protest would have been presented in a tangible form—then the court would have had to decide whether they possess an inquisitorial power to direct inquiries into the consciences or faith of the members of religious societies, or to subject them to the test of a creed artfully prepared to entrap them. Failing to do this, Hendrickson has virtually admitted the validity of the protest, and the great social fundamental principle which it includes, and which pervades the constitutions and the whole system of our government. He is, therefore, precluded from availing himself of the rules of the court of Chancery, in respect to the omission to answer a material fact charged in the bill. It is not a material

fact in this case, as its materiality is met and questioned by the protest, to which Hendrickson submitted. Might we not, with as much show of legality, insist that he cannot now claim any benefit from such a rule? Besides, Decow expressly denies any secession of himself and associates from the faith of the ancient society of Friends, and insists upon a continuing adherence to them; how, then, can he tacitly admit that which he has expressly denied?

I shall now proceed to the investigation of the great principles involved in this cause. So far as I understand them, they resolve themselves into two.

The bill of Hendrickson charges, in the first place, that the body represented by Decow have seceded from the faith of the ancient society of Friends; and secondly, that they have departed from the discipline and government of that society, and, therefore, that they are no longer to be considered as members, and have forfeited all right to the property which belonged to the society at the time of the separation. I shall first examine the charge in relation to the alleged secession from the faith of the ancient Friends; and I would here observe that, as it will be necessary to designate the parties by different names, in order to distinguish these divisions in the society of Friends, I shall hereafter speak of those represented by Hendrickson as the *Orthodox Friends*. I do not use the term in an invidious sense, but merely for the sake of distinction. They have themselves assumed that cognomen in these pleadings, and, if we may believe their counsel, they appear right well pleased with the title.* I shall hereafter speak of those with whom Decow is associated as *Friends*, because it is a name which they themselves acknowledge, and to which I hope to show that they are legitimately entitled, and because they have disavowed the appellation of *Hicksite* bestowed upon them by their adversaries.

The Orthodox party, then, have framed and adopted a creed, which, of course, they had a perfect right to do. Of that we do not complain. The spirit of Friends is tolerant; it breathes the true spirit of Christianity. With the pious and learned trinitarian, president Edwards, they may say they believe that "true religion, in a great measure, consists in holy affections and a love of divine things; for the beauty and sweetness of their moral excellence, is the spring of all holy affections." They believe, also, with the learned Mr. Chillingworth, as quoted from his works, fol. 1742, in the second volume of Adams' *View of the Religions of the World*: p. 94, 95.

"Know then, sir, that when I say the *Religion of Protestants* is, in prudence, to be preferred before yours; on the one side, I do not understand by your religion the doctrine of *Bellarmino*, or *Baronius*, or any other private man amongst you, nor the doctrine of the *Sorbonne*, or of the *Jesuits*, or of the *Dominicans*, or of any other particular company among you, but that wherein you all agree,

* Gov. Williamson's argument, page 61.

or profess to agree, ‘*The doctrine of the Council of Trent:*’ so accordingly, on the other side, by *the Religion of Protestants*, I do not understand the doctrine of *Luther*, or *Calvin*, or *Melancthon*, nor the *Confession of Augsburg*, or *Geneva*, nor the *Catechism of Heidelberg*, nor the *Articles of the Church of England*, no, nor the *harmony of Protestant Confessions*; but that wherein they all agree, and which they all subscribe with a greater harmony, as a perfect rule of faith and action, *i. e. the Bible*.

“The *Bible*, I say, the *Bible only*, is the religion of Protestants. Whatsoever else they believe besides it, and the plain, irrefragable, indubitable consequences of it, well may they hold it as a matter of opinion; but as a matter of faith and religion, neither can they with coherence to their own grounds believe it themselves, nor require belief of it of others, without most high and most schismatical presumption.

“I, for my part, after a long, and (as I verily believe and hope) impartial search of the true way to eternal happiness, do profess plainly, that I cannot find any rest for the sole of my foot, but upon this *rock* only. I see plainly, and with my own eyes, that there are popes against popes, and councils against councils; some fathers against other fathers, the same fathers against themselves; a consent of fathers of one age, against a consent of fathers of another age: traditive interpretations of Scripture are pretended, but there are few or none to be found: no tradition, but that of Scripture, can derive itself from the fountain, but may be plainly proved either to have been brought in, in such an age after Christ, or that in such an age it was not in. In a word, there is no sufficient certainty but of Scripture only, for any *considering* man to build upon. This, therefore, and this only, I have reason to believe. This I will profess: according to this, I will live; and for this, if there be occasion, I will not only willingly, but even gladly lose my life, though I should be sorry that *Christians* should take it from me.

“Propose me anything out of this book, and require whether I believe or no, and seem it never so incomprehensible to human reason, I will subscribe it with hand and heart, as knowing no demonstration can be stronger than this, *God hath said so, therefore, it is true*. In other things, I will take no man’s liberty of judging from him; neither shall any man take mine from me.”

Their belief is in the Christian religion, and they hold that whilst they are not willing to take a faith dictated by others, neither are they willing to bind other men’s faith by theirs.

I said it was incumbent on Hendrickson to show that this creed, which is now, for the first time, introduced as the Quaker creed, is really and substantially so. He has undertaken to do it, and he must sustain his allegation by his proof. Now on the subject of the trinity, let us see what is the doctrine which he has advanced. The process is somewhat a tedious one, but it is necessary. In the second volume

of the Evidence, page 30, already quoted, you will find the Orthodox Quaker doctrine, in relation to the trinity.

The court will perceive that, in this exposition, they do not include the doctrine of the three subsistences and the personages in the trinity. Here, indeed, they are entirely silent. And yet, it would seem that they desire to claim a community of belief with other Protestant trinitarian sects; for in page 28 of the first volume of Evidence, in his answer, Hendrickson says, "In what, among Protestants, are commonly deemed the great essentials of Christianity, the religious sentiments of the society of Friends, or people called Quakers, are in accordance with the doctrines commonly entertained by the other Protestant sects of Christians, who arose after the dawn of the great Protestant reformation in Europe." And lest any inference should be made against us, by this artful covert attempt to enlist sectarian feelings in their behalf, it is necessary for us to ascertain in what that difference, in the doctrine of the trinity as held by themselves and other Protestant trinitarian sects, consists; and if I do not mistake, we shall find that they differ with all other Protestant trinitarian sects in that which is considered by them as the very essence of their doctrine, and what by them is also deemed one of *the great essentials* of Christianity. I refer to the second volume of Adams' View of the Religions of the World, page 105: "Trinity is not a scriptural term, but was introduced into the church in the second century, to *express the union of the three persons* in the *Godhead*." In page 111, of same book: "The doctrine of the trinity, as professed in the Christian church, is briefly this: that there is one God in three distinct persons—Father, Son, and Holy Ghost. The term *person* here characterizing the mode of subsistence in the essence, which the Greek fathers called hypostasis. The Father, Son, and Holy Ghost, are believed to be three distinct persons in the divine nature, to distinguish them from one another, as we in common speech do distinguish three several persons; and each of these three persons are affirmed to be God, because the names, causes, and operations of God are, in Scripture, attributed to each of them." And, speaking of the Athanasian creed, he says, page 112, "The Athanasian creed makes the Supreme being to consist of three persons, the same in substance, equal in power and glory. The first of those three persons it makes to be the Father; the second person is called the Son, and is said to be descended from the Father, by an eternal generation of an ineffable and incomprehensible nature in the essence of the Godhead; the third person is the Holy Ghost, derived from the Father and the Son, but not by generation, as the Son is derived from the Father, but by an eternal and incomprehensible procession. Each of these persons is very and eternal God, as much as the Father himself; and yet, though distinguished in this manner, they do not make three Gods, but one God."

He then speaks of the Catholic creed, page 113: "The Catholic faith is this: that we worship one God in trinity, and trinity in unity,

for there is one person of the Father, another of the Son, and another of the Holy Ghost; but the Godhead of the Father, the Son, and the Holy Ghost is all one, the glory equal, the majesty co-eternal. This system also includes in it, the belief of two natures in Jesus Christ—the divine and human subsisting in one person.” In page 115: “The Greek church differs from other trinitarians, in maintaining that the Holy Ghost proceeds from the Father only, and not from the Father and the Son.” And in page 117, he says, “The Christian trinity is not a trinity of principles, like that of the Persian philosophers; it does not consist of mere logical notions and inadequate conceptions of the deity, like that of Plato; but it is a trinity of subsistences or persons, joined by an indissoluble union. If it be true, it is no doubt, in the highest degree, important and interesting. Say not, says the late pious and excellent bishop Horne, that the doctrine of the trinity is a matter of curiosity and amusement; our religion is founded upon it. For what is Christianity, but a manifestation of three divine persons as engaged in the great work of man’s redemption, begun, continued, and to be ended by them in their several relations of Father, Son, and Holy Ghost, creator, redeemer, and sanctifier, three persons and one God. If there be no Son of God, where is our redemption; if there be no Holy Spirit, where is our sanctification; if without both, where is our salvation; and if these two persons be anything less than divine, why are we baptized equally in the name of the Father, and of the Son, and of the Holy Ghost; let no man, therefore, deceive you—this is the true God and eternal life.”

Here, then, the writer, after taking a view of the Protestant creed, concludes that the doctrine of the trinity is one of the fundamental doctrines of the Christian religion, and that that doctrine, as acknowledged by other trinitarian sects, consist in the belief of three distinct persons or subsistences in the Godhead. This is the great distinguishing mark in other sects. And the learned Dr. Brownlee, in page 220-1 of his book, entitled, “A Careful and Free Inquiry into the True Nature and Tendency of the Religious Principles of the Society of Friends,” &c. expressly says, that the doctrine of three persons or subsistences in the Godhead is an essential of Christianity, and a fundamental doctrine in all trinitarian sects. In this, all learned theologians agree. Therefore the Orthodox Quakers, in stopping at this point, by refusing “to attach individual personage to the three,” fall short of that which all other Protestant trinitarian sects believe to be the very essence of the doctrine, and one of the great essentials of Christianity. I am not about to examine the views of my clients on the subject of the trinity, nor to compare them with the belief maintained by other Protestant denominations. They may believe, if they choose, with bishop Taylor, (2 Adams on the Religions of the World, 114,) that “He who goes about to speak of the mystery of the trinity, and does it by words and names of man’s invention, talking of essences and existences, hypostases and personalities, priorities in co-equalities, and unity in pluralities, may amuse himself,

and build a tabernacle in his head, and talk something he knows not what. But the good man, that feels the power of the Father, and to whom the Son is become wisdom, sanctification, and redemption, in whose heart the love of the spirit of God is shed abroad, though he understands nothing of what is unintelligible, yet he alone truly understands the *Christian* doctrine of the trinity." When this new-fangled creed, contained in Hendrickson's bill, was put forth, it was intended to introduce the idea that the difference on this point between this and other sects was merely formal, and thereby to enlist the sympathy of other sects in their behalf. But it was a fallacy. When they stop short of avowing that the three which bear record in heaven, are three distinct subsistences or persons in one Godhead, when they say it is "a mystery beyond finite human conception," and that it is a "specious" deduction, they thereby declare war against the tenets of the other Protestant trinitarian sects, disavow what they thus "deem the great essentials of Christianity," and place themselves in opposition to the true doctrine of the trinity, as understood by them; they rend asunder the chain which connects them with other trinitarian sects. There cannot be, there ought not to be, any community of sectarian feeling between them; but they cling to this hope, this alleged affinity, with great fondness. The Orthodox not only make the allegation in their original bill and answer, but attempt to make it out by evidence. The court will see what is stated by Thomas Evans on the subject, first volume of Evidence, page 298: "As regards most of the doctrines of the Christian religion, there was a remarkable harmony among themselves, and with Christian professors generally." And Samuel Bettie, in page 78, has something of a similar idea.

In answer to a question, whether Friends accord in sentiment with the other Protestant sects, in regard to the atonement, the trinity, and the divine authority of the Scriptures, and the divine nature of our Saviour, he answers, "As far as I know the profession of other Protestant sects, on these subjects, Friends agree with them in substance," &c.

I think I have shown, that it is indeed a remarkable harmony among them on the subject of the trinity! Now how very materially these gentlemen are mistaken, in their estimate of harmony. They do not undertake to draw inferences, because they consider it a subject "beyond finite human conception." Other sects do make deductions; they say that they gather from the Scriptures, that there are three distinct subsistences and persons in the Godhead. Is there any harmony here? Doctor Brownlee and bishop Horne say, that this is a fundamental doctrine, the distinguishing characteristic of the Christian religion, and that a belief in this is as necessary as a belief in the authenticity of the Scripture text. And yet the orthodox Friends, professing to hold this belief in common with others, deny it, in fact, by saying, that it is a "mystery beyond finite human conception," and that they are not at liberty to "make deductions, how-

ever specious," respecting it. I have alluded to this, not for the purpose of casting any odium upon the orthodox party, or to express any opinion upon the subject of their faith, but simply to show the views of the true trinitarians, and to strip the cause of the gloss which has been thrown around it by the bill and answer of Hendrickson, in the manner of putting forth this creed; and also to divest it of the sympathetic influence which may arise from a belief that the doctrine here put forth is substantially that of the other Protestant trinitarian creeds, and to refute the pretences set up in his answer. The orthodox have instituted this suit, to support "the great essentials of Christianity," and to uphold "the foundation and main pillars of the Christian system," as insidiously alleged in that answer. These are catching pretences, and may enlist honest, but mistaken zeal to glow with renewed ardour in so holy a cause.

I think then I have shown, that the *orthodox Quakers* are not *orthodox trinitarians*, and that they would not be so considered by any Presbyterian, Episcopalian, Baptist, Methodist, or any other Protestant sect in the world; for they have not gone far enough for this purpose. If then they are not orthodox trinitarians, let us inquire if they are orthodox Quakers, and I think I shall be able to show, that they are equally destitute of any claim *there*, as they are to the claim to be considered orthodox in general. In straining to reach what they had no claim to, as is too commonly the case in the transactions of human life, they have trusted themselves too far; they have placed themselves on foothold which has proved treacherous. If they have fashioned a faith unknown to the ancient society of Friends, they have no right to insist that we should adopt it, or declare our assent or dissent. If they have framed a *new creed*, where none ever existed before, surely they cannot call upon us, on pain of forfeiting our legal and religious rights, to believe and acknowledge it; there is no principle on which we can be compelled to bow down to such dictation. In order to understand the question of the faith of the ancient society of Friends, it becomes necessary for us to look into the history of the rise and establishment of that society. I will not fatigue the court now with opening books upon the subject. As I progress I shall have occasion to refer to them.

This society arose in England about the year 1647, when George Fox first appeared and began to preach the doctrines of the society. It arose amidst the storms and convulsions of the civil government, and at a period of great religious excitement and freedom of inquiry. The great deep of despotism which had submerged, as well the civil as the religious rights of mankind, had been broken up by the agitations and storms which had prostrated the infallibility of popes and priests, overthrown the divine rights of kings, and buried in one common ruin the divine rights of potentates and priestcraft, and its retiring and subsiding waves still exhibited the evidences of its fury and the fragments of its wreck. The light of the reformation had diffused a general knowledge of the holy Scriptures, which the pro-

gress of the art of printing had brought within the reach of all. But it had not borne in its train the light of the gospel doctrine—universal love and Christian charity ; for, in the language of one of the primitive fathers, (Barclay, p. 679,) whom our adversaries admit to be orthodox, “to love God above all things, and our neighbour as ourselves, is the sum not only of the law but of the gospel.” The Christian world at that time was divided into one hundred and seventy-six sects,* all professing their belief in the Scriptures, but agreeing in nothing save in a common hatred and spirit of persecution towards each other. The Christian religion was, indeed, merged in speculative theology and outward ceremonies, and the anti-Christian spirit of persecution by fire and faggot, which disgraced and rendered odious its professors. The benign Christian spirit of toleration found no resting-place in its creeds ; and the advocates of religious freedom had to seal with their blood the truth of its divine origin. The gospel love, which teaches, “that God is love, and they that dwell in love dwell in God, and God in them,” was unknown among them. That inward faith, the divine essence of the gospel, which operated not only in changing men’s opinions, but in changing the hearts and way of worship, and which showed its superior power in turning them from their lusts, sensualities, and habitual sins, had been displaced by the pride, corrupt nature, and sinful practices of man. Sect persecuted sect, as the change of events gave power ; and the pride of man attempting to cloak itself in the mantle of the gospel, exhibited itself only in violating its fundamental dictates and precepts. The power of the Church of Rome, its infallibility, and its control of the arm of the civil government, had indeed ceased, but its creeds and confessions of faith, which were made the instruments of its vengeance and bloody persecution, and the means of its power, abounded among all the sects which sprung up from its ruins. The natural consequence was, the destruction of the principles of the Christian religion—universal love and charity.

In the midst of these convulsions, which eventuated in the beheading of a king, and in the very heart of these fearful religious excitements and dissensions, George Fox appeared, and the Quaker society arose, despised, hated, and persecuted ; as appears by the statement of William Penn, in his preface to George Fox’s Journal, pages 11, 13, 35, &c.

But, notwithstanding they were thus frowned upon, they went steadfastly forward on their journey. Their objects, views, and principles, as well as their religious doctrines, are beautifully set forth by those great champions of their cause, Barclay and Penn.

From that time to the period of this unfortunate controversy, the society has progressed and flourished in peace and harmony ; and their doctrines, whatever may be said of their abstract theological

* Hallam’s Confessions.

merits, have been the means of effecting a great and beneficial change in the civil and religious rights of man.

I call the attention of the court to the views entertained of this society on its original formation, as they are found in the works of Barclay, pages 696, 7, 8, 9, and 700.

“A *sect* is commonly and universally taken in the *worst part*, and always so understood, where it is mentioned in the *scripture*; as being either really understood of such as are *justly so termed*, Act. v. 17. ch. v. 5. ch. xxvi. 5. or *reproachfully cast upon* such, as ought not to have been so *denominated*, Act. xxiv. 5. ch. xxviii. 22. For a *sect* is a *company of people following the opinions and inventions of a particular man or men, to which they adhere more, and for which they are more zealous, than for the simple, plain, and necessary doctrine of Christ*. But such as are not a *sect*, nor of a *sect*, are those, *that follow the faith and doctrines of Christ, and receive and believe the same, as purely preached and held forth by him unto them; and not as by the recommendation of man, as clouded and encumbered with their interpretations and additions: and so are mere Christians, and yet true and faithful ones too; yea, the most true and faithful.*”

“The *nature of a people's society*, and the *causes* drawing them together, with the *method* of their being gathered, does much contribute to evidence, whether they are to be esteemed a *sect* or not? *First*, whose *fellowship* stands merely in *judgment*, and in that which reacheth the *understanding*, and so are *joined together* in and for *one opinion*, are only to be esteemed a *sect*, however *true* their *notions* may be supposed to be. For the true *principles and doctrines of Christ*, albeit they do truly reach the *understanding*, and require its *assent*; yet they are of an *operative nature*. However they may be held by *one or two members* of the *church*, without working upon their *hearts*; yet cannot be held, nor ever were by any entire *society*, without *purifying* their *souls*, and reaching to and working upon their *hearts* to a true and real *conversion*, I mean, upon the greatest and most considerable part: but *false doctrines* may be firmly believed by a whole *society* without having any *operation*. For the *gathering* of the *apostles* and *primitive Christians* was an *uniting* of *hearts*, and not of *heads* only; those *three thousand converts* were *pricked* in their *hearts*, and not in their *heads* only. Yea, where there may be a *dissent* in some things in point of *judgment*, if there be this *unity of heart* through the prevailing of the same *life of righteousness*, yet the true *fellowship* is not *broken*: as appeared in the *example* of the *apostles* themselves.

“Now these *people*, who hold forth the *principles and doctrines* hereafter to be mentioned, were not *gathered together* by an *unity of opinion*, or by a tedious and particular *disquisition* of *notions and opinions*, requiring an *assent* to them, and binding themselves by *leagues and covenants* thereto; but the manner of their *gathering* was by a *secret want*, which many truly *tender and serious* souls in

divers and sundry sects found in themselves : which put each sect upon the search of something beyond all opinion, which might satisfy their weary souls, even the revelation of God's righteous judgment in their heart to burn up the unrighteous root and fruits thereof ; that the same being destroyed and done away, the inward peace and joy of the Holy Spirit in the soul might be felt to abound, and thence power and life to follow him in all his commandments. And so, many came to be joined and united together in heart and spirit in this one life of righteousness, who had long been wandering in the several sects ; and by the inward unity came to be gathered in one body : from whence by degrees they came to find themselves agreed in the plain and simple doctrines of Christ. And as this inward power they longed for, and felt to give them victory over sin, and bring the peace that follows thereon, was that whereby they were brought unto that unity and community together ; so they came first thence to accord in the universal preaching of this power to all, and directing all unto it : which is their first and chiefest principle, and most agreeable to this universal love, as shall hereafter show. And it is very observable, that as those, whose gathering and fellowship arises from this mere unity of notions and opinions, do usually derive their name and designation from the first authors, inventors, and fomenters of those opinions, (as of old the Arians, Nestorians, Manichæans, &c. and of late the Lutherans Calvinists, Arminians, Socinians, Mennonites, &c.) so those people, whose unity and fellowship did arise from their mutual sense of this power working in and upon their souls, that society derive not their name from any particular man ; and therefore are providentially delivered from that great mark of a sect."

"As the nature of a sect ariseth from the love of self and its production, so in the last place there can be no more signal or certain mark of a sect, than when a people seek to advance and propagate their way in the strength of their own spirits, reckoning the preaching and publishing thereof by their own natural, or acquired parts, without the necessity of the inward motion of the Holy Spirit, both lawful and commendable ; and not only so, but the advancing and establishing of the same by outward force and violence. For here is man working, without God or the guidance of his Spirit, in his own mere strength and will, to set up his own images and inventions under a pretence of truths and pure Christianity. But those that dare not seek to advance even that which they are persuaded is truth, in their own will and spirit (far less by outward force and violence), but in and by God's Spirit, as he leads and

* Which external agreement as well in doctrines as in the practices necessarily following thereupon, became as one external bond and tie of their outward and visible fellowship obvious to the world, whereby they are distinguished even to the observation of man from the several sects professing the name of Christ ; as the true Christians of old were by their adherence to the orthodox principles from other heretics, that laid claim likewise to be Christians.

moves to it by his *life* and *power*, show, that such are not a *sect*, nor *followers of man's inventions*, but of Christ alone, waiting to follow him, as he acts and moves them by his own *spirit* and *power*: and therefore are no *sectarians*, but mere *Christians*.

“The chief and first principle then held by those Christians, which (as I observed before) naturally ariseth (and was assented to by them) from their inward sense, that tied them together, is, ‘That there is somewhat of God, some light, some grace, some power, some measure of the spirit, some divine, spiritual, heavenly, substantial life and virtue in all men, which is a faithful witness against all unrighteousness and ungodliness in the heart of man, and leads, draws, moves and inclines the mind of man to righteousness, and seeks to leaven him, as he gives way thereunto, into the nature of itself; whereby an inward, thorough, and real redemption may be wrought in the hearts of all men, of whatsoever nation, country, or kindred they be, notwithstanding whatsoever outward knowledge or benefit they be by the providence of God necessarily deprived of.’”

“For albeit those, who hold this principle, do believe, that the outward knowledge of Christ, and those other advantages, which from the use of the Scriptures are enjoyed among Christians, are very comfortable, and conducing to facilitate salvation; yet they reckon them not absolutely needful, holding them only to be integral, and no essential parts of Christianity. For they place the essence or being of Christianity only in the true and real conversion of the heart, by virtue of the operation of this light, seed, and grace there.”

Here then you have a view of the principles on which the society was first called together, and you find that the primitive Friends placed the essence or *being* of Christianity on the true and real conversion of the heart, by virtue of the operation of the inward light: and on that alone. They were not bound down by creeds or articles of faith; their fundamental principle consisted not in the particular belief of the trinitarian doctrine, nor the atonement, nor of the authenticity of the Scriptures, but in the manifestations and workings of the Spirit of Christ within, in producing a life of righteousness and purity. And they held, that those who had never acknowledged, and never known Jesus Christ outwardly, might still, by the operation of that light, be saved. And the same views are taken by William Penn, in his preface to Fox's Journal, page 7. He thus speaks:

“As superstition is blind, so it is heady and furious; for all must stoop to its blind and boundless zeal, or perish by it: in the name of the Spirit, persecuting the very appearance of the Spirit of God in others, and opposing that in them which they resisted in themselves, viz. the light, grace, and Spirit of the Lord Jesus Christ; but always under the notion of innovation, heresy, schism, or some such plausible name. Though Christianity allows of no name or pretence whatever for persecuting of any man for matters of mere religion; religion being in its very nature meek, gentle, and forbearing; and consists

of faith, hope, and charity, which no persecutor can have, whilst he remains a persecutor; in that a man cannot believe well, or hope well, or have a charitable or tender regard to another, whilst he would violate his mind or persecute his body for matters of faith or worship towards his God."

And in pages 11, 12, 13, and 14, he says: "It was about that very same time, as you may see in the ensuing annals, that the eternal, wise, and good God was pleased, in his infinite love, to honour and visit this benighted and bewildered nation with his glorious day-spring from on high; yea with a most sure and certain sound of the word of light and life, through the testimony of a chosen vessel, to an effectual and blessed purpose, can many thousands say: Glory be to the name of the Lord for ever.

"For as it reached the conscience, and broke the heart, and brought many to a sense and search; so what people had been vainly seeking without, with much pains and cost, they by this ministry found within; where it was they wanted what they sought for, viz. the right way to peace with God. For they were directed to *the light of Jesus Christ within them*, as the seed and leaven of the kingdom of God; near all, because in all, and God's talent to all. A faithful and true witness and just monitor in every bosom. The gift and grace of God to life and salvation, that appears to all, though few regard it. This, the traditional Christian, conceited of himself, and strong in his own will and righteousness, and overcome with blind zeal and passion, either despised as a low and common thing, or opposed as a novelty, under many hard names and opprobrious terms; denying, in his ignorant and angry mind, any fresh manifestation of God's power and Spirit in man in these days, though never more needed to make true Christians: not unlike those Jews of old, that rejected the Son of God at the very same time that they blindly professed to wait for the Messiah to come; because, alas, he appeared not among them according to their carnal mind and expectation.

"This brought forth many abusive books, which filled the greater sort with envy, and lesser with rage, and made the way and progress of this blessed testimony strait and narrow indeed to those that received it. However, God owned his own work, and this testimony did effectually reach, gather, comfort, and establish the weary and heavy laden, the hungry and thirsty, the poor and needy, the mournful and sick of many maladies, that had spent all upon physicians of no value, and waited for relief from heaven, help only from above: seeing, upon a serious trial of all things, nothing else would do but Christ himself, the light of his countenance, a touch of his garment, and help from his hand, who cured the poor woman's issue, raised the centurion's servant, the widow's son, the ruler's daughter, and Peter's mother, and, like her, they no sooner felt his power and efficacy upon their souls, but they gave up to obey him in a testimony to his power, and with resigned wills and faithful hearts, through all

mockings, contradictions, beatings, prisons, and many other jeopardies that attended them for his blessed name's sake.

“And truly, they were very many and very great ; so that in all human probability they must have been swallowed up quick of the proud and boisterous waves that swelled and beat against them ; but that the God of all their tender mercies was with them in his glorious authority, so that the hills often fled, and the mountains melted before the power that filled them ; working mightily for them, as well as in them, one ever following the other. By which they saw plainly, to their exceeding great confirmation and comfort, ‘that all things were possible with him with whom they had to do.’ And that the more that which God required seemed to cross man’s wisdom, and expose them to man’s wrath, the more God appeared to help and carry them through all to his glory : insomuch that if ever any people could say in truth, ‘Thou art our sun and our shield, our rock and sanctuary, and by thee we have leaped over a wall, and by thee we have run through a troop, and by thee we have put the armies of the aliens to flight,’ these people had right to say it. And as God had delivered their souls of the wearisome burdens of sin and vanity, and enriched their poverty of spirit, and satisfied their great hunger and thirst after eternal righteousness, and filled them with the good things of his own house, and made them stewards of his manifold gifts ; so that they went forth to all quarters of these nations, to declare to the inhabitants thereof, what God had done for them ; what they had found, and where and how they had found it ; viz. the way to peace with God : inviting them to come and see and taste for themselves, the truth of what they declared unto them.

“And as their testimony was to *the principle of God in man*, the precious pearl and leaven of the kingdom, as the *only blessed means appointed of God to quicken, convince, and sanctify man* ; so they opened to them what it was in itself, and what it was given to them for ; how they might know it from their own spirit, and that of the subtle appearance of the evil one, and what it would do for all those, whose minds are turned off from the vanity of the world, and its lifeless ways and teachers, and adhere to this blessed light in themselves, which discovers and condemns sin in all its appearances, and shows how to overcome it, if minded and obeyed in its holy manifestations and convictions : giving power to such to avoid and resist those things that do not please God, and to grow strong in love, faith, and good works : that so man, whom sin hath made as a wilderness, overrun with briers and thorns, might become as the garden of God, cultivated by his divine power, and replenished with the most virtuous and beautiful plants of God’s own right-hand planting, to his eternal praise.”

In pages 15, and 16, also: “Two things are to be briefly touched upon, the doctrine they taught, and the example they led among all people. I have already touched upon their *fundamental principle*, which is as *the corner-stone of their fabric* : and to speak

eminently and properly, their characteristic, or main distinguishing point or principle, viz. *the light of Christ within, as God's gift for man's salvation*. This, I say, is as the root of the goodly tree of doctrines that grew and branched out from it, which I shall now mention in their natural and experimental order.

“First, repentance from dead works to serve the living God. Which comprehends three operations. First, a sight of sin. Secondly, a sense and godly sorrow for it. Thirdly, an amendment for the time to come. This was the repentance they preached and pressed, and a natural result from the principle they turned all people unto. For of light came sight; and of sight came sense and sorrow; and of sense and sorrow, came amendment of life: which doctrine of repentance leads to justification; that is, forgiveness of the sins that are past through Christ, the alone propitiation; and the sanctification or purgation of the soul from the defiling nature and habits of sin present; which is justification in the complete sense of that word; comprehending both justification from the guilt of sins that are past, as if they had never been committed, through the love and mercy of God in Christ Jesus; and the creature's being made inwardly just through the cleansing and sanctifying power and Spirit of Christ revealed in the soul; which is commonly called sanctification.

“From hence sprang a second doctrine they were led to declare, as the mark of the prize of the high calling of all true Christians; viz, perfection from sin, according to the Scriptures of truth, which testify it to be the end of Christ's coming, and the nature of his kingdom, and for which his Spirit was given. But they never held a perfection in wisdom and glory in this life, or from natural infirmities or death, as some have with a weak or ill mind imagined and insinuated against them.

“This they called a redeemed state, regeneration, or the new birth; teaching every where according to their foundation, that without this work were known, there was no inheriting the kingdom of God.

“Third, to an acknowledgment of eternal rewards and punishment, as they have good reason; for else of all people, certainly they must be the most miserable: who for about forty years have been exceeding great sufferers for their profession, and in some cases treated worse than the worst of men, yea as the refuse and off-scouring of all things.

“This was the purport of their doctrine and ministry; which, for the most part, is what other professors of Christianity pretend to hold in words and forms, but not in the power of godliness; that has been long lost by men's departing from that principle and seed of life that is in man, and which man has not regarded, but lost the sense of, and in and by which he can only be quickened in his mind to serve the living God in newness of life. For as the life of religion was lost, and the generality lived and worshipped God after their own wills, and not after the will of God, nor the mind of Christ, which stood in the works and fruits of the Holy Spirit; so *that which they*

pressed was not *notion* but *experience*, nor *formality* but *godliness*; as being sensible in themselves, through the work of God's righteous judgments, that without holiness no man should ever see the Lord with comfort.

“ Besides these doctrines, and out of them as the larger branches, there sprang forth several particular doctrines, that did exemplify and further explain the truth and efficacy of the general doctrine before observed in their lives and examples. As, I. Communion and loving one another.” &c. &c.

Again, pages 26, 27, “ The bent and stress of their ministry was conversion to God, regeneration, and holiness; not schemes of doctrines and verbal creeds, or new forms of worship; but a leaving off in religion the superfluous, and reducing the ceremonious and formal part, and pressing earnestly the substantial, the necessary and profitable part; as all upon a serious reflection must and do acknowledge.

“ They directed people to a principle, by which all that they asserted, preached, and exhorted others to, might be wrought in them, and known, through experience, to them to be true; which is a high and distinguishing mark of the truth of their ministry; both that they knew what they said, and were not afraid of coming to the test. For as they were bold from certainty, so they required conformity upon no human authority, but upon conviction, and the conviction of this principle, which they asserted was in them that they preached unto, and unto that directed them, that they might examine and prove the reality of those things which they had affirmed of it, and its manifestation and work in man.”

And again, page 33, “ The power they exercise is such as Christ has given to his own people to the end of the world in the persons of his disciples; viz. to oversee, exhort, reprove, and after long-suffering and waiting upon the disobedient and refractory, to disown them as any more of their communion, or that they will any longer stand charged in the sight and judgment of God or men with their conversation or behaviour as one of them until they repent. The subject-matter about which this authority, in any of the foregoing branches of it, is exercised, is, first, in relation to common and general practice: and, secondly, about those things that more strictly refer to their own character and profession, and distinguish them from all other professors of Christianity; avoiding two extremes upon which many split, viz. persecution and libertinism. A coercive power to whip people into the temple; that such as will not conform, though against faith and conscience, shall be punished in their persons or estates; or leaving all loose and at large as to practice, unaccountable to all but God and the magistrate. To which hurtful extreme nothing has more contributed, than the *abuse of church power* by such as suffer their passions and private interests to prevail with them to carry it to outward force and corporal punishment; a practice they have been taught to dislike by their extreme sufferings,

as well as *their known principle for a universal liberty of conscience.*

“On the other hand they equally dislike an independency in society; an unaccountableness in practice and conversation to the rest of their own communion, and to those that are the members of it. They distinguish between imposing any practice that immediately regards faith or worship, (which is *never to be done, nor suffered or submitted unto,*) and requiring Christian compliance with the methods that only respect church business in its more civil part as a concern, and that regard *the discreet and orderly maintenance of the character of the society, as a sober and religious community.* In short, what is for *the promotion of holiness and charity,* that they may practise what they profess, live up to their own principles, and not be at liberty to give the lie to their own profession without rebuke. They compel none to join them, but oblige those that are of them to walk suitably, or they are denied by them: that is all the mark that is set upon them, and the power they exercise, or judge a Christian society can exercise upon those that are the members of it.”

Both these writers, then, agree in placing the foundation of the society on the principles of universal love and charity. This, they say, is the gospel doctrine which requires that we should “do unto others as we would have others do unto us, and that we should love God above all things.” And this, as before expressed by Barclay, is the sum of the law and the gospel.

William Penn, in his works, 2d vol. pages 230, 231, says, “*Christianity then is not an historical belief of the exterior acts, the things that Christ did in that bodily appearance, which is but historical Christianity, as our adversary weakly argues; for that was the least part of it, since Christianity is that which brings to God, which thousands that believe only the other will never arrive at: but a firm belief in him that so appeared, lived, died, rose and ascended, both as testified of in the Scriptures of truth, and more especially as he breaks in upon the soul by his divine discoveries, as the true light enlightening every man, this I call Christianity; and the true man is a child of light, who obeys that light; a true Christian is who is Christ-like; a child of God, and heir of the promise, who is inwardly renewed and begot anew of the incorruptible seed and word of God.* For those who were Christians of old, were so as came to know Christ, *no more after the flesh, but as the second Adam, the Lord from heaven, the quickening spirit, who said of him the resurrection and the life;* really witnessing him to be true in themselves, wherefore they believed, and upon repentance, received remission of sins and eternal salvation. And I do affirm that Christianity stands in the manifestation of a measure of that righteous power, wisdom, truth, and life in the soul, which appeared so largely and gloriously in that body at Jerusalem, to which we repentance, then give remission, so renew, redeem, and finally save, and who came to be made sensible of that heavenly treasure in the

mortal bodies, and to improve it as good stewards, were possessors of true *Christianity*, and therefore *right Christians*. The distinction betwixt moral and Christian, the making holy life legal, and faith in the history of Christ's outward manifestation only, *have been a deadly poison these latter ages have been infected with*, to the destruction of godly living, and *apostatizing* of those churches, in whom there might once have been begotten, some *earnest, living thirst* after the inward life of righteousness."

I think from these citations we, with certainty, lay down that the principles which I have stated are those which gathered the society of Friends together; and it followed as a necessary consequence from this great fundamental truth of the light within, the great characteristic of the society, that they repudiated all schemes of doctrine, confessions of faith, creeds, and outward ceremonials, or forms of worship. And in almost every book which I can open, the court will find that the doctrine of creeds is expressly and utterly repudiated. Barclay, in his explanatory postscript to his "*Anarchy of the Ranters*," page 241, of his works, says: "Whereas, it was thought strange, that I should call *doctrines* and *principles* the *bonds* and *terms* of our *being together*, I understand it only of an *outward bond*: and that I laid the *stress* upon it no further, appears in that I affirm, those *principles* and *doctrines* to be the product of *truth's power* and *virtue* upon the heart; which appears, by what is printed upon the *margin*."

"And William Rogers saying in his papers, that this was but like the entertainment of Christ in the manger, shows too little of Christian sobriety, and too much of a scornful reflection; for which I will rather choose to forgive him, than therein to contend with him. For how much I value that inward bond (to wit, the life of righteousness) beyond the outward; and that I esteem the outward *not at all to be valued* but *as it comes from the inward*, may be seen throughout all I have written in my Apology upon the tenth proposition, and elsewhere. And my affirming, that any denying of any of the truth's principles and doctrines is a ground of disowning, was only in respect, that who do so, *do manifestly thence make it appear, they have broken the inward bond first*, from which that outward did naturally spring and arise." That is to say, by departing from the life of righteousness, which is the inward bond.

And William Penn, vol. 1, page 744, says, "Those capital sins and errors that relate to the *ecclesiastical state* or church capacity of these kingdoms, and which are so inconsistent with *Christian religion* and purest protestancy, and that above all, displease Almighty God, are,

"First. *Making* opinions articles of faith, *at least giving them the reputation* of faith, *and making them the bond of Christian society*."

"Secondly. *Mistaking the nature of true faith, and taking that for faith which is not gospel faith*."

“Thirdly. *Debasing the true value of morality, under pretence of higher things, mistaking much of the end of Christ’s coming.*

“Fourthly. *Preferring human authority above reason and truth.*

“Fifthly. *Propagating faith by force, and imposing religion by worldly compulsion.*”

Also in page 748: “But if it be true, as true it is, that few have writ of the divine authority of Scripture, who do not affirm that the very penmen of it were not only inspired by the Holy Ghost, but so extraordinarily acted by him, as that they were wholly asleep to their own will, desires, or affections, like people taken out of themselves, and purely passive, *as clay in the hand of the potter, to the revelation, will, and motion of the spirit*; and for this end, that nothing delivered by them might have the least possibility of mistake, error, or imperfection, but be a *complete declaration of the will of God to men*; I cannot see which way such men can excuse themselves from great presumption, that will, notwithstanding, have the *wording of creeds of communion*, and reject that declaration of faith as insufficient, which is delivered in the very terms of the Holy Ghost; and deny those persons to be members of Christ’s church, that in conscience refuse to subscribe any other draught than that the Lord has given them.

“Two things oppose themselves to this practice: *the glory of God, and the honour of the Scripture*; in that it naturally draws people from the regard due to God and the Scripture, and begets too much respect for men and their tradition. This was the difficulty Christ met with, and complained of in his time; they had set up so many *rabbies* to learn them religion, that the Lord of the true religion could hardly find place amongst them. And what did they do? *They taught for doctrines the traditions of men*: they gave their own and their predecessors’ apprehensions, constructions, and paraphrases upon Scripture, for the mind and will of God, the rule of the people’s faith. They were near at this pass in the church of *Corinth*, when they cried out, *I am for Paul, I am for Apollos, and I am for Cephas*, though they had not the same temptation.

“And that which followed them, ever will follow in the like case, and that is *distraction*; which is the contrary to the second thing that opposeth itself to this practice, and that is the concord of Christians.”

And in page 751, William Penn remarks: “It had been happy for the world, that there had been no other *creeds*, than what he [Christ] and his apostles gave and left. And it is not the least argument against their being needful to *Christian communion*, that *Christ and his apostles did not think so, who were not wanting to declare the whole counsel of God to the Church.*”

And again, page 759: “*Ye shall know them by their fruits*, saith Christ of the *pharisees*; so shall men know them, that sincerely believe and confess Christ, by their sanctified manners and blameless *conversations*. And wo from the true and just God to them that

make other distinctions! for God has made no other; there will be but goats and sheep at the last day; holy and unholy; just and unjust. Therefore let that be our distinction, which ever was and will be God's distinction; for all other measures are the effects of the passions and presumptions of men."

And in page 779, of the same volume, he thus speaks in relation to this subject: "To talk of believing as the church believes, to flourish upon that self-denial and humility which takes all upon trust, and revile those with the bitterest invectives that are modestly scrupulous and act the *Bereans* for their souls, (who think that easiness of nature and condescension may be better used, and in this occasion is ill placed and dangerous,) is to put the knife to the throat of protestancy; and, what in them lies, to sacrifice it to implicit faith and blind obedience. For it cannot be denied but that the great foundation of our Protestant religion is the divine authority of the Scriptures from without us, and the testimony and illumination of the Holy Spirit within us. Upon this foot the first Reformers stood, and made and maintained their *separation* from *Rome*, and freely offered up their innocent lives in confirmation. With good cause, therefore, it is the general consent of all *sound* Protestant writers, that neither traditions, councils, nor canons of any visible church, much less the edicts of any civil sessions or jurisdiction, but the Scriptures only, interpreted by the Holy Spirit in us, give the final determination in matters of religion, and that only in the conscience of every Christian to himself. Which protestation, made by the first public reformers against the imperial edicts of Charles the Fifth, imposing church traditions without Scripture authority, gave first beginning to the name of Protestant, and with that name hath ever been received this doctrine, which prefers the divine authority of the Scripture and spirit to that of the church and her traditions. And if the church is not sufficient to be implicitly believed, as we hold it is not, what can there else be named of more force with us, but the divine illumination in the conscience, or conscience in the best sense of the word; than which, God only is greater? But if any man shall pretend that the Scripture judges, according to his conceptions or conscience, for other men, and that they must take their religious measures by the line of his direction; such a person makes himself greater than either church, Scripture, or conscience. And, pray, let us consider if in anything the pope is by our Protestant divinity so justly resembled to Antichrist, as in assuming infallibility over conscience and Scripture, to determine as he thinks fit; and so in effect to give the law to God, Scripture, magistrates, and conscience. To this Protestants have, without scruple, applied that to the Thessalonians, 'sitting in the temple of God, exalting himself above all that is called God.'

"To check this exorbitancy, the apostle Paul demands, 'Who art thou that judgest another's servant? to his own Lord he stands or falls.' Which sheweth with great evidence, that Christians of all sizes, great and small, are but brethren, and consequently, all supe-

priority, lordship, and imposition are excluded: but if there be a difference, 'tis in this, that, as Christ taught, *he that is greatest is to be servant to the rest*. But what is more opposite to a servant than a lord, and to service than injunction and imposition, and that on penalties too? here it is that Christ is Lord and lawgiver, who is only king of this inward kingdom of the soul. And it is to be noted that the apostle did not write this to a private brother, or in some special case, but to the *church*, as a general and standing truth, and therefore now as *authentic* and proper as then. And if this be true, I cannot see how any, or even the most part of the *church*, that are still but brethren to the rest, of one voluntary *communion* and *profession*, can with any show of reason impose upon them, and escape the reproof of this Scripture; for all societies are to govern themselves, according to their institution, and first principles of union. Where there is violence upon this part, tyranny and not order is introduced. Now since persuasion and conviction began all true Christian societies, they must uphold themselves upon the same free bottom, or they turn antichristian. I beseech you, here let us examine ourselves faithfully, and I am persuaded that something of this will yet appear among some of us, who show great reverence to that free name."

The court adjourned till to-morrow morning.

Tuesday Morning, July 30.

MR. WALL proceeded;

I was endeavouring to satisfy the Court that the ancient society of Friends, and their most approved authors, repudiated the system of *creeds*; and I cited numerous passages from the works of Penn, to show the opinion which he, as I supposed, in common with the rest of the society of Friends entertained on that important subject. I now refer the court to another work, entitled "*Claridge's Melius Inquirendum*," pages 212, 213:

"There is a wonderful fondness in some men to be making of creeds, articles, fundamental principles, &c., and prescribing them unto others, as distinctive marks, or necessary terms of church fellowship. But blessed be the name of the Lord, who hath taught us another and better way of entering into church society, which is by the door Christ Jesus, the only way of access to God, and so to communion one with another in the things of God.

"Thomas Ellwood having well expressed this matter, I shall deliver it in his words, viz. 'To be drawn together by the inward force and virtue of truth, through the operation of the divine spirit in the heart, into an agreement in the belief of the same principles, doctrines, and points of faith; and so also to agree substantially in making

onfession thereof, when and wheresoever the honor of God requires
t of us.'

"For it is this divine power and virtue that truly and rightly
gathers us into church society, into a spiritual brotherhood, by
making us one in the Lord, and in the things pertaining to the king-
dom of God. This is an inward work, wrought in our hearts by the
effectual operation of the Holy Spirit. A work which no formal or
mouth confession of any principles drawn up by man's wisdom can
effect. Not that we are against a free confessing with the mouth
those fundamental principles, which the holy Scriptures deliver as
such, when men are brought into the belief and knowledge of them
by the power of truth upon their hearts; but the thing that we ap-
prove not of, is, the composing of creeds and articles in unscriptural
expressions, and imposing a verbal confession of them in man's will
and time, as terms of entrance into, and continuance in church so-
ciety, without due regard to conviction of the understanding, and
renovation of heart and life.

"The degeneracy of the churches from the inward power, life, and
virtue of religion, first made way for these outward tests and lifeless
terms of communion. And if ever they be recovered out of the
apostacy, it must be by an effectual return to, and joining with, that
divine life and light of Christ in the heart, which alone can unite
them to God, and to one another in that spiritual fellowship which is
of God."

In the first volume of Penn's works, pages 795, 6, there is another
strong expression on this point. But I will not occupy the time of
the court by reading the whole of this long passage. On inspecting
it the gentlemen will find that he maintains the same principles be-
fore expressed. I will only read one short passage from page 883,
of the 2d vol. of his works:

"To conclude, as it hath pleased the Lord to bless us, in the way
that we have hitherto been helped to walk in, with that great bless-
ing which ushered in the birth of our blessed Lord into the world;
viz. Glory to God, peace on earth, and good-will to men; so we
earnestly desire the *same* upon all our neighbours: for though we
may not be all of *one mind* in some *doctrinal* parts of religion, we
must of *necessity* be all of *one sentiment* in the great and general
unity of holiness, or else we can never see God. And if that is our
principal aim and endeavour, we shall less fall out by the way, about
words, forms, and the outside of things: But *universal charity*,
which is the most excellent way, and without which the best of
creeds is but as a *sounding brass*, &c. will silence controversy, and
blot out all *ignominious characters*; remembering that the *great*
Judge, at the *last day*, will determine us, not according to our
names but *natures*; not our *profession*, but our *lives*; not our *bare*
belief, (though of unquestionable truths,) but *works*; for *God will*,
bring every work to judgment, with every secret thing, whether it
be good or evil, Eccles. xii. 14."

These are sufficient to show William Penn's view of the inconsistency of any written faith with those fundamental principles professed by the society.

In the 7th vol. of Fox's Works, p. 159, 160, 161, and 162, will be found the following: it is entitled "An Epistle General to them who are of the royal priesthood and chosen generation; given forth from the movings of the power and spirit of truth, and now made public. To be sent abroad among the saints scattered in Old and New England, Germany, Holland, Ireland, Scotland, Barbadoes, and Virginia, for them to read in the fear of the Lord.

"Friends,—Let all that ye do be done in the name of the Lord Jesus Christ, by whom all things were made and created, that ye may do that which ye do in the true dominion, and then what ye do, ye do in the power of God. And all friends dwell in love, for that is the mark of a disciple, and the fruits of faith and the spirit; which love, out of a pure heart, is the end of the commandment, and fulfils the law, and in that is edification and building, and the fruits of being passed from death to life; there is love to God, brethren, and enemies, being in the seed that destroys death and the power of it, the devil.

"We need no mass to teach us, for the spirit that gave forth the Scripture, teacheth us how to pray, sing, praise, rejoice, honour, and worship God, and in what; and how to walk and to behave ourselves to God and man, and leadeth us into all truth, in which is our unity, and it is our comforter, and guide, and leader, and not men without, who say they have not the spirit and power that the apostles had, that gave forth the Scriptures.

"And we need not your common prayer to teach us, for the spirit that gave forth Scriptures teacheth us how to pray, sing, fast, and to give thanks, and to praise and worship, and in what; and how to honour and glorify God; and how to walk before him and men; and how to use all creatures upon the earth; and leadeth and guideth into all truth, which was given forth from it, which reproves the world of sin; that is our comforter, leader, and guider, by which we know sonship, and in which we have unity, and this doth never change. But that which man doth invent, and their prayers and forms (who say that they have not the same spirit which gave forth the Scriptures) do change. But the spirit that gave forth Scriptures teacheth us how to pray, speak, sing, fast, give thanks, and how to read them with understanding, and how to walk before God and man, and how to worship God, and in what; for it leadeth us into all truth; which is our comforter, in which we have unity and fellowship, and to know the true religion, which doth never change.

"And so the spirit of truth, which gave forth the Scriptures, is our director, guide, leader, and comforter, which reproveth the world for sin. And this leadeth to see the end of all directories which men invent, who have not the spirit the apostles had; and when they cannot hold it up, they cry to the powers of the earth to help them.

And these we see are erred from the spirit, and without the spirit, with whom we cannot trust our bodies, spirits, nor souls into their hands, but have committed them to the Lord, whose they are.

“And we are a people that are redeemed from the earth and world, and need none of your church-made faith, which ye have framed and made in eleven days’ time, and your other three days set apart. For Christ is the author of our faith, which is the gift of God, which is a mystery held in a pure conscience; and we say that all the priests in Scotland, London, and New England, cannot make the gift of God, the mystery which is the faith which remains, and by which men are justified and saved, neither have they power over it; which brings us to have access to God, and giveth us victory over that which separated us from God. And so we need none of their faith to lead us, for the faith Christ is the author of we live in, which they cannot make nor frame. And though they may cry to the magistrates to help them to uphold their made faith, (which idol they cannot hold up themselves,) which they have invented, and say, ‘they are not in the life and power as they were in that gave forth the Scriptures;’ and say, ‘revelation has ceased from people, and there is no victory while they are upon the earth.’ These are the fruits of their framed faith, which we need not; for the spirit that gave forth the Scriptures, teacheth us to know who is the author of our faith, and the fruits of it; which giveth victory. And the spirit teacheth us how to pray, sing, give thanks, praise, rejoice, fast, worship God, and in what; and how to walk to God and man, and leadeth us into all truth, the reprov-er of the world for sin, which is our comforter, guide, and leader, and director; in which we have unity and fellowship that is without end, and a pure religion that does never change. And a great deal of stuff there is in their books, which is not worth mentioning; it will rot, and that nature that gave it forth; but the seed, and life, and power will stand.

“Church faith changeth, directory changeth, common prayer changeth, and mass changeth, and here are the four religions which are got up since the apostles’ days, which they have fought for and killed one another about. But the pure religion doth not change, which we are of and own, in which are the spiritual weapons which were among the apostles; the true faith changeth not, for it abideth and remaineth, which is the gift of God, and a mystery held in a pure conscience, of which we are, and which is our faith.

“Mass for the Papist, common prayer for the Episcopal men, and the directory for the Presbyterians, church-made and framed faith for the Independents, and mixed Baptists, and others. And those have had their fellowships in these, for which they fought, and about which carnal weapons got up since the days of the apostles. But the fellowship in the spirit remains, and doth not change, which hath spiritual weapons, and these are known and used to fight withal about religion, in which the seed of God is known, which bruise the serpent’s head, which led man from God, and made a separation be-

twixt man and God. And the election is known (in him who was) before the world began, who is the head of our church, and not they that be head of the mass, head of your directory, head of common prayer, and head of the church-made faith, which we see all change and come to nought, and God confounds. And men stand in doubts and questions, and have no assurance in their religion; but that of God stands in them all bound.

“They that followed the pope were called Papists, and they that protested against the pope were called Protestants.

“And thus they gave names one to another, and so common prayer men, and directory men, and Independents, and Baptists. And thus in the envy, out of the love, out of the spirit, which gave forth the Scriptures, gave they names one to another; all of which we judge. Our faith, our church, our unity is in the spirit, and our word at which we tremble, was in the beginning before the Papist’s mass, and your Episcopal’s common prayer, and the Presbyterian’s directory, and Independents, Baptists, and other church-made framed faiths were; and our unity, church, and fellowship will stand when they are all ended, by which spirit we judge them all, and deny their works; in which is our unity with God, with the Scriptures, and one with another. For they have been to people like so many changeable coverings, but now the spirit is taking them off, by which we are covered, and it is our weapon in this day of great battle with them. The Scriptures which ye do speak, and show forth in your books, are owned, but your imaginations of them we deny; but they are all owned in themselves and places, so they are all ours which end in Christ, who is ours, and in him we are that remaineth.

“The mass is the Papist’s sacrifice, that they kill about.

“The common prayer is the Episcopal’s sacrifice, that they persecute and kill about; and,

“The directory is the Presbyterian’s sacrifice, they persecute and kill about.

“The made and framed church faith is the Independent’s and Baptist’s sacrifice, which they kill and persecute about.

“Which sacrifices the Lord doth not accept, neither hath he respect to, which are of them who have erred from the spirit which the apostles were in, with which they offered spiritual sacrifice to God, the father of spirits, which we are in.

“And all my dear hearts, all know the fellowship of the seed in its sufferings, and to be made conformable to his death; that ye in the suffering through it may know the power of the resurrection of the just seed. And this is it which kills all bad spirits that will talk, but not do; such may crucify Christ in themselves afresh. Therefore, mind the daily suffering which the seed had, and have unity with that, so ye may rise with that which destroyeth that which causeth it to suffer.

“The Papist cries, Higher powers, help, help, or else my mass will go down, and all my ceremonies.

“The Episcopal man cries, Help, help, higher powers, or else my common prayer goes down.

“The Presbyterian cries, Help, help, higher powers, or else my directory will go down.

“The Independent, and Anabaptist, and others cry, Help, help, higher powers, or else our framed faith (which is our eleven days’ work,) will go down, and we shall not stand.

“Are not ye all-ashamed? and show ye are naked, out of the power and life the apostles were in, and from their weapons naked?”

Again, in Fox’s *Doctrinals*, page 1014: “*Now concerning the antiquity from whence we have our faith, and who is the author and finisher of it.*

“The apostle saith to the church of Christ, the *Hebrews*: *Let us run with patience the race that is set before us; looking unto Jesus, the author and finisher of our faith. Heb. xii. 12. i. 2.*

“Now here you may see the apostles did not make the saints a faith, but bid them look unto *Jesus*, who was the author, or beginner, and finisher of their holy and precious faith; the mystery of which is held in a pure conscience. And so Christ doth reveal his faith to his people; and so they grow in faith, and from faith to faith up unto Christ, the author and finisher of it. So the apostle did not say to the saints, the church of Christ, look unto us to make you a faith, and that they should be the author and finisher of their faith, for them; but bid them look unto *Jesus*, the author and finisher of their faith. And so this was the apostle’s doctrine to the Christians in the primitive times, above sixteen hundred years ago; and this is the doctrine that we have received, and own, who do look at none below *Jesus Christ*, to be the author and finisher of our holy precious faith; in which faith all God’s people please him, and have access to him; which faith is our victory over that which displeases God, and in which holy faith, is our holy unity, and by this precious faith, all the just live; and this is the one, holy, pure, precious faith, that purifies the hearts of God’s people, which Christ is the author and finisher of; in which they have access to the holy God, and serve and please him. So our holy, catholic, or universal faith, Christ is the beginner, or author and finisher of; in which holy faith the church of Christ did, and do build one another up in, which (as before) Christ the holy one, is the author and finisher of, and not men.”

I next refer to the language of Stephen Crisp, in his sermon, page 71, in which he also presents the same view of the subject. [Gov. WILLIAMSON here rose and objected to the introduction of opinions expressed in this book, it not having been produced and marked as an “exhibit.” He spoke at length on the admissibility or otherwise of testimony before a court of appeal. He was followed by Mr. Wood, and both were replied to by Mr. WALL. It appearing that the work objected to was an exhibit, duly marked, the objection was withdrawn.] I read from the 3d vol. of the *Quaker*, page 71 to 74:

“So that now we are to expect the operation and working of a ministry, that leads a people to an inward religion, a heart religion, where the heart is fixed entirely upon the true and living God, as the object of their dependence and trust; and they have no other. This is a strange word to flesh and blood. What, *no other dependence than on the invisible God!* Flesh and blood, and sensuality can never come to this; this is a religion that has been hid from ages and generations, and will be hid to all ages that ever shall be in the world, where sensuality prevails. What, will you have me to have my whole dependence for the comfort of my life here, and of the life that is to come, the other life, to have my dependence upon an invisible God, that invisible power that made me, and created the world? How is it possible for me to sequester myself, and draw myself off from all visible objects? I must trust to this, and trust to that; flesh and blood can never attain to this, with all the wit and reason it hath; it can never separate itself from idols. They are little children, they are children of another birth, born of another seed, that keep themselves from idols.

“Friends, idolatry is a great deal more common, I find, than most are aware of. Am I commanded to love the Lord with all my heart, and soul, and mind, and might? What is left when the whole is taken away? If God hath my whole heart, what have I to bestow upon the world? What love, what affection, what eagerness, what fervency, can I bestow upon the world, or any object in the world, when my whole heart, and soul, and mind, is gone before, is gone toward the Lord?

“This is the first and great commandment; and the second is like unto it, that is, ‘Thou shalt love thy neighbour as thyself.’ Here it is that the law and the prophets, faith, creed, prayer, religion, and worship, all that ever was in the world, all are comprehended in this, ‘thou shalt love the Lord thy God with all thy heart, soul, and strength, and thy neighbour as thyself.’ So what need is there for us to be disputing about religion; about this tenet, and the other tenet; this text and the other text? For my part I should only desire you to understand this text, and I should not doubt your going to heaven. Here is the sum; here is all at once; here is the quintessence of all religion, of all types, shadows, figures, ceremonies, and priesthood, and all that ever was or could be named and practised in the world; all brought to this, the heart given up to God; our love set upon him.

“‘What, is this sufficient?’ will some say: ‘This will make you a good, moral man; but what is this to the Christian religion? You may be led into error, and become a heretic for all this.’ How can this be, that I should not be of a sound faith, but led into error and heresy for all this? When people let in error, and heresy, and unsoundness of faith, where do they let it in? Do they not let in the principles of error and heresy into their hearts? I believe this, and that, and the other error, that is come into the heart, and hath a seat

he heart; but how can we let it into the heart, when the heart is
 en up to God? Cannot I keep one error and heresy, if I give up
 heart and soul to him? Cannot I trust him with all?

‘This kind of talk of error and heresy hath come among men
 t have had the keeping of their own souls. They have taken
 ir own souls into their own hands, and have ordered their religion
 mselves, or have had somebody to order it for them. And a great
 ny of them have met together to make creeds, and catechisms,
 l confessions, and orthodox doctrines, that might certainly be pro-
 sed and subscribed. So, afterwards, some have come and found
 lt with them: then they must have a council to try them: then
 se go off, and are laid aside, and others are given in the room of
 em. So that these men have set up for themselves. These would
 t be under the government and prescription of God, as children
 der the government of a father; but they will set up religions
 mselves, and say to the rest of the world, ‘If you own anything
 ntrary to our principles, you are a heretic; and being a heretic,
 u are to be rooted out and cut off. Do you not read in the Scrip-
 e, that whosoever hears not the prophet that was to come into
 e world, should be cut off? What, will you not hear Christ speak
 the church? Will you not hear Christ speak? The church
 not speak without a head; if you will not hear the church, you
 st be cut off:’ then they have fallen to hanging, and burning,
 d killing, and destroying people, and nations not a few. And
 s comes from their making faiths and creeds, and ordering religion
 mselves. All their barbarous and inhuman cruelties, martyring
 d dungeoning people, come from their making faiths them-
 lves; and of all things, nothing is more desperately wicked, and
 ey did not know it. ‘The heart is deceitful above all things, and
 sperately wicked, who can know it?’ Men know not how proud
 d arrogant they themselves are; and yet they would be ordering
 e hearts, and minds, and consciences of others; and out of this hath
 rung all superstition and idolatry, because men would not give up
 air hearts to God. ‘Thou shalt have no other gods but me:’ this
 mmandment is great in itself, strict in the terms; ‘Thou shalt love
 e Lord thy God with all thy heart, and thy neighbour as thyself.’
 eir neighbours could not see with their eyes; therefore they
 uld be hanging, and burning, and destroying one another.

“But blessed be God, who is now bringing forth true Christianity
 on its old basis and foundation, whereon it was placed at first, for
 ristianity hath been justled off from its foundation; for instead of
 ring God with all their hearts, and loving their neighbours as
 mselves, they hated them. Now this is the day, O Friends! the
 ight of it is great; this I say is the day wherein God is bringing
 ristianity upon its old foundation.”

I will not weary the attention of the court with many more cita-
 ns, for every book to which I can refer, abounds in expressions
 rebating and contemning the establishment of any fixed or defined

faith, or of conformity to creeds or forms of worship framed by the exertions or ingenuity of man. The society adhered to the Scriptures alone, and looked to them as the only test of faith by which its members could be bound. And *Penn* in treating on this subject, draws, as we have seen, a strong inference that it was never the intention of our Saviour that man should be fettered by any especial faith or form of doctrine, because he finds that neither Christ himself nor any of his chosen apostles made an adherence to such a particular faith requisite to salvation, nor gave to mankind any particular formulary of doctrine, as the one by which they were for ever afterwards to be guided and controlled. In Fox's *Great Mystery*, page 502, there is the following passage, viz.:

“ Principle. ‘The whole word of God in general is summed up in the apostles’ creed.’ Answer. Where hast thou got the word CREED, but out of the mass-book and pope’s canon-book? not out of the apostles’ epistles. And the apostles’ epistles, and the saints’ writings declare of the word, and say, it was in the beginning, and say the letter kills; for the Jews had the letter, and did not find the word in it, but stood against it; and you have the letter, the apostles’ words, but you do not find the word in it. It speaks of the word; the word was in the beginning, and in the heart, before the words.”

Hence, then, it is manifest, that the ancient Friends all understood and considered that some portion of this divine light within operating upon the heart, and thus influencing the conduct, did exist in every man; and that in consequence of this fundamental truth, they repudiated, as presumptuous and not to be submitted to, all the pretensions of men to form creeds for their observance. They placed the essence or being of Christianity only in the true and real conversion of the heart, by virtue of the operation of this light, seed, or grace (as it is variously termed) within. Barclay, 700. They abode alone by the declarations of Scripture, and by the benevolent and all-sufficient principles which are there inculcated and laid down for man’s protection and guidance. Anything beyond this, they threw from them as unsound and fallible, knowing the perversions to which the Scriptures were exposed by the constructions and interpretations of man, and fully aware of the bitterness of those seeds of dissension which were so frequently attendant upon them. They looked upon the great rule of life to be that of love; they adopted the language of the apostle John: “God is love, and they that dwell in love, dwell in God, and God in them;” and this they supposed to be the great characteristic of their society. They were under the direction of no creeds, for they believed that their tendency was to distract and divide them, while by a faithful attention to the influences and instructions of the spirit of God, and a conformity to the plain precepts contained in the Holy Scriptures themselves, they experienced a blessed unity. It is true, that several of their writers published catechisms, in which were contained confessions of faith, and much stress has been laid on that published by Barclay; but this is written in

strict accordance with the principles to which I have adverted. The matter contained in that catechism is the same which is contained in the Scriptures themselves, and is expressed in the very language of Scripture; and it is precisely so with the confession of faith, by the same author. This, then, proves the negative of the proposition laid down by the Orthodox party. The society did not permit even Barclay to extend, or paraphrase, or go beyond the strict text of Scripture; and this was the very essential condition upon which they gave their sanction to his catechism and confession of faith. In referring to these works, therefore, they have not advanced one step toward the accomplishment of their object; so far as that is concerned, they might, with equal propriety, have referred to the Scriptures themselves. These observations will apply also to the letter of George Fox to the governor and council of Barbadoes; also to the letter of Whitehead and others, page 363.

It is of no avail for the opposite party to say, that a writing approximating to a creed, lately set forth by the yearly meeting of London, is to operate at all upon the yearly meeting here. The evidence will show that the Friends established the yearly meeting at Burlington in the year 1681, intending to embrace within its limits the Friends in New Jersey, Pennsylvania, and other plantations not at that period organized as distinct colonies. The yearly meeting at London could not, by their acts, bind the yearly meeting at Burlington or Philadelphia. They might receive recommendations, advice, or suggestions from them, or they might decline to do so, as they thought proper. But it was the intention of the founders of that meeting, that it should be distinct and independent; as much and as avowedly so, as it was the intention of the signers of the American Declaration of Independence, to cast aside all tribute or subjugation to the government of England. This is exemplified by a memorable fact in the history of New Jersey.

In 1676, Edward Bylynge, a Quaker, being the owner of Lord Berkeley's moiety of New Jersey, in consequence of pecuniary embarrassments, executed a deed of trust of the same to William Penn and others. At that time, the colony of New Jersey was held in common by Carteret and Berkeley, and when the division line was run by the celebrated George Keith, West Jersey became the moiety of Bylynge; most of Bylynge's creditors were Friends, and from this circumstance, as well as the persecutions to which they were subjected in their native land, they projected a settlement in West Jersey. In this enterprise Penn interested himself; many Friends from London and Yorkshire came over in the year 1677, and formed a monthly meeting at Burlington, and this was one of their very first acts. See Smith's History of New Jersey. Shortly after this, they framed the charter or fundamental laws of West New Jersey, being the form of government of that province, the principles of which were no doubt agreed upon before they departed from England. Now, mark the period of their emigration; it was after their *faith* had been an-

nounced, vindicated, and defended by some of their most esteemed writers, and after the fire of persecution had brightened and purified their religious sentiments. It was, in fact, while surrounded by the instruments of torture, and in view of the dungeons where thousands of them had been imprisoned for conscience' sake, that they stood forth the glorious champions of religious liberty. By this act, signed on the third day of March, 1676, to be found in "The Grants and Concessions of New Jersey, by Leaming & Spicer," page 394, and which is signed by one hundred and fifty of the venerable founders of the first monthly and yearly meetings in the province of New Jersey, and the ancestors of many of those who are now sought to be expelled from them, they declare to the world, "That no man, no number of men, upon earth, hath power or authority to rule over men's consciences in religious matters; therefore, it is consented, agreed, and ordained, that no person or persons whatsoever, within the said province, at any time or times hereafter, shall be any way upon any pretence whatsoever, *called in question*, or in the least punished or hurt, either in person, estate, or privilege, for the sake of his opinion, judgment, faith, or worship towards God, in matters of religion. But that all and every such person and persons, from time to time, and at all times, freely and fully have and enjoy their rights and their judgments, and the exercise of their consciences, in matters of religious worship, throughout all the said province."

This was a sublime declaration, almost as memorable and as worthy to be held in remembrance and celebration, as that which, a century after, has placed Americans first on the roll of freemen. It was in the wilderness of America, that the civil and religious persecutions of the old world planted the true principles of civil and religious liberty. In the chapter of the charter or fundamental laws "of West New Jersey" we have the opinions which were entertained by the primitive Friends of New Jersey, in respect to liberty of conscience; and they affirm in clear, broad, and comprehensive terms, the privilege of worshipping their God according to their consciences, unshackled by *form* and utterly free from the arbitrary interference or dictation of man. And equally liberal were the views entertained at a later period by the settlers in Pennsylvania. In the beginning of the year 1682 Penn, in his frame of government for that province, put forth his opinions on this subject: (1 Proud's History, 200) "That all persons living in this province, who confess and acknowledge the one almighty and eternal God to be the creator, upholder, and ruler of the world, and that hold themselves obliged in conscience, to live peaceably and justly in civil society, shall in no ways be molested or prejudiced in their religious persuasion or practice in matters of faith or worship, nor shall they be compelled, at any time, to frequent or maintain any religious place or ministry whatever;"—containing substantially the same principles of religious liberty, as those declared in the charter or fundamental laws of West New Jersey: which is also signed by that illustrious friend of peace and religious liberty, William Penn.

Now, unless the Orthodox party can show that after the settlement of the Friends in this country, and the establishment of independent meetings here, they recognised the acts and authority of their transatlantic brethren, it is of no importance to show what was the faith by them adopted. And in showing this, they must confine themselves to a period anterior to their emigration.

The Friends who established the yearly meeting of Philadelphia, brought their faith and religious opinions with them; they were not taken up by the way, or of sudden growth; and had been tried by the ordeal of persecution, and were held in common with their brethren whom they left behind them. They had been the friends and associates of William Penn, his companions and fellow-sufferers for conscience sake, and hence they always looked up to *Wm. Penn* as a bright and shining light; as a man bound to them by the same doctrines and by the most intimate communion. Unless, therefore, our opponents can connect the society here, since the emigration, with that in England, by a distinct adoption of their acts and opinions, it is in vain to prove the acts or opinions of the Quakers of England since that period, and the *establishment* of separate and independent meetings here.

Having, in the preliminary view which I have taken of this case, shown what are the great principles insisted upon in the answer of Decow, as showing "the fundamental truths" of the society of Friends, I now approach the examination of the grounds upon which Hendrickson and his party make their exclusive claim to this property, and seek to divest us of our rights. The Orthodox party seek, by the pleadings in this cause, to divest the Friends of their right to the property in question, and to maintain their exclusive right to it, upon two grounds. First, that they (the Orthodox party) hold and maintain the faith and fundamental doctrines of the ancient society of Friends; and that the Friends have seceded therefrom, and do not adopt and believe in them, but entertain opinions entirely and absolutely repugnant and contrary thereto. 2. That they (the Orthodox party,) adhere to and maintain the discipline and religious institutions of the ancient yearly meeting of the society of Friends, or people called Quakers, at Philadelphia; and that Friends have seceded therefrom. To insure success, in depriving Friends of all right to the fund in question, the Orthodox must maintain successfully both propositions, in all their extent and in their two-fold aspect, up to the period of the separation out of which this suit has sprung. Friends had a community of right to the fund; the forfeiture of that right which it is sought by this suit to enforce, must be proved, not alleged. I shall examine the first proposition, in its double aspect. 1. Do the Orthodox party hold and maintain the faith and fundamental doctrines of the ancient society of Friends? 2. Have Friends seceded therefrom, and rejected the faith and fundamental doctrines of the society of Friends, and entertain opinions entirely and absolutely repugnant thereto? The Orthodox have assumed the burden of proving both

points of this first proposition. Let us examine how they attempt to prove the first branch of it. They allege that the doctrines and opinions set forth and alleged by Hendrickson in his original bill an answer, in respect to the trinity, the atonement, and the Scriptures have always been held, entertained, and adopted by the ancient society of Friends, and that with the said society they are fundamental. Now it cannot admit of dispute, that the Orthodox must prove that the ancient society of Friends held, entertained, and adopted the same doctrines, on the subject of the trinity, the atonement, and the Scriptures, as set forth by Hendrickson in his pleadings. It is a matter to be proved by lawful evidence, not left to inference, and it must be shown affirmatively, that the faith and doctrines of ancient Friends on these several points, correspond with that thus put forth by the Orthodox party. It will not do for them to show, that the creed thus set up, ought to be or is the creed of all orthodox Christians, of all Protestant trinitarian sects, or that it is the foundation and main pillars of the Christian system, as they allege. They must show it to be the Quaker faith and doctrine; for, I believe, that our adversaries are not yet sufficiently orthodox, to deny the professors of that society the right to follow in the footsteps of their fathers, and be guided by that faith which was "a light to their path." And how is this to be done? They attempt to prove it, 1st, by the testimony of living witnesses. 2d. By the writings of ancient Friends. 1. As to the testimony of living witnesses, I apprehend that such testimony is to be rejected altogether. It is mere matter of opinion, founded on the impression which those of the present day have received from reading the writings of authors who, before they were born, were sleeping under the clod of the valley. It is for this court to interpret these writings from the writings themselves. I deny the right of Mr. Bettle, Mr. Parsons, or even Mr. Evans, to lay down, *ex cathedra*, what is to be the standard of faith, simply from their own view of what it should be. Such an assumption is contrary to the plainest principles of evidence. They have no other means of judging save those which are open to all in possession of the books. The society of Friends as yet acknowledge no order of priesthood—no body of men set apart, for the custody of the writings of ancient Friends. The decision of this cause is not to depend on their interpretations, nor is it to be at all affected by the gloss which may be put upon it by witnesses who are deeply influenced by these exciting collisions in their church. Unless then, this case is to form an exception to all others, I humbly submit, that we cannot legally receive the opinion of any witness, however intelligent or respectable, as to the faith and doctrines of the ancient society of Friends. It is secondary evidence: better evidence exists, which is produced, and is before the court—the writings themselves. We must, therefore, reject these opinions, and turn to the second mode of proof, the writings of ancient Friends. If then, the point is to be settled by recurrence to those doctrines which have been sent forth to the world, acknowledged and authen-

ticated, as the fundamental doctrines of the society of Friends, published in their own books and couched in their own language, let us refer to them for the purpose of testing the accuracy of those which are put forth in the bill.

There is no contest, here or elsewhere, between these parties, as to so much and such part of the creed framed by Hendrickson in his bill and answer, on the subject of the trinity, the atonement, and the Scriptures, as is expressed in the language of the Scriptures alone. The Orthodox and the Friends unite in recognising the authenticity of the Scripture language so far as embodied in that creed. But here the Friends stop,—conceiving that when men place their own interpretations upon them, and attempt to make a faith for others, they trespass upon the religious rights and consciences of others. The doctrine of the trinity, say the Orthodox party, in their bill and answer, “is taken up by the Quakers as laid down in the Scriptures, and that they have not considered themselves as warranted in making any deductions, however specious.” If so, where is the necessity of a creed on the subject? If so, why have the Orthodox not adhered to the language of the Scriptures—why have they made deductions? If so, and the doctrine of the trinity is supported by the language of the Scriptures, does not he who professes his belief in the Scripture, as Friends do, “adopt and believe” in the doctrine which it lays down? But this allegation is not, in my humble opinion, “warranted” by the writings of ancient Friends, and I greatly mistake if a reference to the writings of many esteemed ancient Friends, which I propose to make, will not show that they did consider themselves “warranted” to penetrate the mystery in which the doctrine was shrouded, and draw deductions, whether specious or not, according to their understanding of it. It will also be found, that a great number of those primitive Friends, not only totally discarded the use of the term “trinity” as unscriptural, but rejected the creed which all other Protestant trinitarian sects have framed as their deductions from Scripture; and that they altogether disowned the idea of there being three distinct substances, or three distinct persons in the Godhead. I do not pretend to say that such is the doctrine of Friends whom I represent. I have no authority to make such an assertion, and it would be going beyond those limits, which we contend ought to be properly and legitimately placed upon inquiries into men’s consciences, if I were to state that these were the particular opinions of that society. They have not, from conscientious scruples, felt themselves at liberty, either in their answer, or as witnesses, to assume the right of speaking for the society at large, on this or any other doctrinal point, beyond what the society themselves have avowed. They would dishonour their ancestry, disclaim their religion, and abandon those glorious and inestimable principles of religious liberty, which their fathers sought and planted in the howling wilderness, if they did. When on the point of doctrines they avow their belief “in the Christian religion

as contained in the Scriptures, and professed by ancient Friends, and adhere to the religious institutions and government of the society of Friends, and the divine light and power of God, or Christ, operating on the human heart," they have gone to the extent of "the fundamental truths," respecting which they acknowledge human tribunals may interrogate and inquire. But when an attempt is made to dispossess us of our dearest rights and privileges, on the ground that there is and ever has been, a unanimity in the society on those points of doctrine, and that they are fundamental, and that "any individual entertaining sentiments contrary to any of said doctrines, is held not to be of the same faith with the society of Friends," it is correct and even essential, that the court and the counsel should inquire whether it be true as alleged? And if I can show, that on these questions of doctrine, there are not wanting the names of men in the society, of high respectability, profound erudition, and acknowledged piety, who are considered the fathers of the church, who did entertain different opinions, I do at least put down the infallibility of the creed, in respect to which we are now called upon either to declare our belief, or suffer the pains and penalties consequent upon a refusal to do so. I will, therefore, refer the court to the writings of ancient Friends, and whom the Orthodox themselves admit to be approved writers, and in which, by their answer, in page 34, they say, their religious doctrines are to be found.

And first, on the doctrine of the trinity. George Fox, William Penn, George Whitehead, Stephen Crisp, Isaac Penington, and many others, I believe I might safely say, the primitive Friends generally, not only discarded the word *trinity* but they discarded the *doctrine* which, by the mass of the Christian world, the term was used to express. They discarded not only the doctrine of *three distinct persons in the God-head*, but rejected altogether the idea of *three distinctions* of any kind *in the Divine nature*, and admitted of such distinctions only, as have relation to the *operations and manifestations of the Divinity in man*.

I shall first appeal to the authority of him, whom the Orthodox party have stated to be the founder of this society. George Fox, in his "Great Mystery," page 397, says, in reply to Christopher Wade, who had asserted that "the Holy Ghost is a person, and that there was a trinity of three persons before Christ was born," "Thou knowest not him that is in the Father, and the Father in him, glorified with the Father before the world began. And the Scriptures do not tell people of a trinity, nor three persons; but the common-prayer-mass-book speaks of three persons, brought in by thy father the pope; and the Father, Son, and Holy Spirit was always one."

And page 423, "You tell people of 'a sacrament, a *creed*, and three persons.'

"A. The Scripture tells no such thing, but the common-prayer-book doth, and so you do not teach the form of sound words in your catechism."

Again, in pages 463-4. "He said, 'that Christ, and the Father,

and the Holy Ghost, are not one ; but they are three, therefore distinct.'

" A. This is the denying of Christ's doctrine, who said, ' I and my Father are one ;' and the Holy Ghost proceeds from the Father and the Son, and he was conceived by the Holy Ghost, and they are *all one, and not distinct*, but one in unity ; that which comes out from him, leads the saints into all truth, (that ever was given forth from the spirit of truth,) and so up unto God the Father of truth, and *so goes back again from whence it came*.

" P. ' It is blasphemy to say the Son is one with the Father, and not distinct from him.'

" A. The Father and the Son are one, and the Son is in the Father, and the Father in the Son, so that which is in him, is not distinct from him ; and they blaspheme that say the Son is not in the Father, and deny Christ's doctrine.

" P. He said, ' The Father is a distinct incommunicable being from the Son, and the Son a distinct incommunicable being from the Father, and the Holy Ghost a distinct incommunicable being from the Son.'

" A. The Son is one, and in unity with the Father, and not distinct, but equal, and thought it not robbery. The Holy Ghost is in unity with the Son and the Father, which proceeds from them, and they are one in unity, and *not distinct*. Thy doctrine is dross, and you priests are not fit to judge in such things as they are, they are too weighty, and too heavy for you."

And in page 555, he says, " Neither the word nor the Scripture doth tell us of three distinct persons, but it tells us of Father, and of Son, and of Holy Ghost; but indeed, as I said before, the pope's canon-book, and mass-book doth so; for the Holy Ghost is not distinct from the Son, and the Son is not distinct from the Father, but they are all in one."

William Penn, in his celebrated publication, " The Sandy Foundation Shaken," found in the first volume of his works, says, p. 251, in his introductory address to the reader: " What remains, is to inform the reader, that with great brevity I have discussed, and endeavoured *a total enervation* of those cardinal points, and chief doctrines so firmly believed, and continually imposed for the articles of Christian faith : 1. The trinity of separate persons, in the unity of essence. 2. God's incapacity to forgive, without the fullest satisfaction paid him by another. 3. A justification of impure persons, from an imputative righteousness. Which principles, let me tell thee, reader, are not more repugnant to Scripture, reason, and soul's-security, than most destructive to God's honour, *in his unity*, mercy, and purity." And pages 251-2, in relation to the points in controversy between Friends and Thomas Vincent, and other opposers, at a dispute which had taken place, he observes: " The question was this, Whether we owned one Godhead, subsisting in three distinct and separate persons, as the result of various revises and amendments;

which being denied by us, as a doctrine nowhere scriptural, T. V. frames this syllogism from the beloved disciple's words :

“ ‘There are three that bear record in heaven, the Father, the Word, and the Holy Ghost ; and these three are one.’ ”

“ These are either three manifestations, three operations, three substances, or three somethings else beside subsistences.

“ But there are not three manifestations, three operations, three substances, nor three anything else beside subsistences :

“ Ergo, Three subsistences.

“ G. W. utterly rejected his terms, as not to be found in Scripture, *nor deduceable from the place he instanced* : wherefore he desires their explanation of their terms, inasmuch as God did not use to wrap his truths up in heathenish metaphysics, but in plain language. Notwithstanding we could not obtain a better explanation, than person, or of person, than the mode of a substance ; to all which G. W. and myself urged several Scriptures, *proving God's complete unity* : and when we queried how God was to be understood ? if in an abstractive sense from his substance ? they concluded it a point more fit for admiration than disputation. But a little to review his syllogism ; the manner of it shows him as little a scholar, as its matter does a Christian ; but I shall overlook the first, and so much of the second, as might deserve my objection to his major, and give in short my reason, why I flatly deny his minor proposition. No one substance can have *three distinct subsistences*, and preserve its own unity : for granting them the most favourable definition, every subsistence will have its own substance ; so that three distinct subsistences, or *manners of being*, will require three distinct substances or beings ; consequently three Gods. For if the infinite Godhead subsists in three separate *manners or forms*, then is not any one of them a perfect and complete subsistence without the other two ; so parts, and something finite is in God : or if infinite, then three distinct infinite subsistences ; and what is this but to assert three Gods, since none is infinite but God ? And on the contrary, there being an inseparability betwixt the substance and its subsistence, the unity of substance *will not admit of a trinity of incommunicable or distinct subsistences.* ”

But to come to the body of this celebrated work. William Penn proceeds : “ The trinity of distinct and separate persons, in the unity of essence, refuted from Scripture.— ‘ And he said, Lord God, there is no God like unto thee, to whom then will ye liken me ? or shall I be equal, saith the Holy One ? ’ ‘ I am the Lord, and there is none else, there is no God besides me. ’ ‘ Thus saith the Lord thy Redeemer, the Holy One of Israel. ’ ‘ I will also praise thee, O my God ; unto thee will I sing, O Holy One of Israel. ’ ‘ Jehovah shall be one, and his name one. ’ Which with a cloud of other testimonies that might be urged, evidently demonstrate, that in the days of the first covenant, and prophets, but one was the Holy God, and God but that Holy One. Again, ‘ And Jesus said unto him, why callest thou me

good? there is none good but one, and that is God.' 'And this is life eternal, that they might know Thee (Father) the only true God.' 'Seeing it is one God that shall justify.' 'There be gods many, but unto us there is but one God, the Father, of whom are all things.' 'One God and Father who is above all things.' 'For there is one God.' 'To the only wise God be glory now and for ever.' From all which I shall lay down this one assertion, that the testimonies of Scripture, both under the law, and since the gospel dispensation, declare one to be God, and God to be one, on which I shall raise this argument.

"If God, as the Scriptures testify, hath never been declared or believed, but as the Holy One, then will it follow, that *God is not a holy three*, nor doth subsist in *three distinct and separate holy ones*: but the before-cited Scriptures undeniably prove that one is God, and God only is that Holy One; therefore he cannot be divided into, or subsist in *a holy three*, or three distinct and separate holy ones. Neither can this receive the least prejudice from that frequent but *impertinent distinction*, that he is *one in substance*, but *three in persons or subsistences*; since God was not declared or believed incompletely, or without his subsistence: nor did he require homage from his creatures, as an incomplete or abstracted being, but as God the Holy One: for so he should be manifested and worshipped without that which was absolutely necessary to himself. So that either the testimonies of the aforementioned Scriptures are to be believed concerning God, that he is *entirely and completely*, not *abstractly and distinctly*, the Holy One, or else their authority to be denied by these trinitarians: and on the contrary, if they pretend to credit those holy testimonies, they must necessarily conclude their kind of trinity a fiction.

"Refuted from right reason.—1. If there be three distinct and separate persons, then three distinct and separate substances, because every person is inseparable from its own substance; and as there is no person that is not a substance in common acceptation among men, so do the Scriptures plentifully agree herein: and since the Father is God, the Son is God, and the Spirit is God, (which their opinion necessitates them to confess,) then unless the Father, Son, and Spirit, are *three distinct nothings*, they must be three distinct substances, and consequently three distinct Gods.

"2. It is farther proved, if it be considered, that either the divine persons are finite or infinite. If the first, then something finite is inseparable to the infinite substance, whereby something finite is in God; if the last, then three distinct infinities, three omnipotents, three eternals, and so three Gods.

"3. If each person be God, and that God subsists in three persons, then in each person are three persons or Gods, and from three, they will increase to nine, and so *ad infinitum*.

"4. But if they shall deny the three persons, or subsistences to be infinite, (for so there would unavoidably be three Gods,) it will follow that they must be finite, and so the absurdity is not abated from

what it was; for that of one substance having three subsistences, is not greater, than that an infinite being should have three finite modes of subsisting. But though that mode which is finite cannot answer to a substance that is infinite; yet to try if we can make their principle to consist, let us conceive that three persons, which may be finite separately, make up an infinite conjunctly; however this will follow, that they are no more incommunicable or separate, nor properly subsistences, but a subsistence; for the infinite substance cannot find a bottom or subsistence in any one or two, therefore jointly. And here I am also willing to overlook finiteness in the Father, Son, and Spirit, which this doctrine must suppose.

“ 5. Again, if these three distinct persons *are one, with some one thing*, as they say they are with the Godhead, then *are not they incommunicable* among themselves; but so much the contrary, as to be one in the place of another: for if that the only God is the Father and Christ be that only God, then is Christ the Father. So if that one God be the Son, and the Spirit that one God, then is the Spirit the Son, and so round. Nor is it possible to stop, or that it should be otherwise, since if the divine nature be inseparable from the three persons, or communicated to each, and each person have the whole divine nature, then is the Son in the Father, and the Spirit in the Son, unless that the Godhead be as incommunicable to the persons as they are reported to be amongst themselves; or that the three persons have distinctly allotted them such a proportion of the divine nature, as is not communicable to each other; which is alike absurd.”

I next read from George Whitehead's “Divinity of Christ.”

[Mr. WILLIAMSON, of counsel for the Orthodox party, here again stated the question of admissibility before referred to. He objected to the introduction of this book, because it had not been made an “exhibit” in this cause, but was only a work which had been referred to by a witness named Thomas Evans, when examined as to his particular views of the Quaker doctrines.

Mr. WALL claimed that he had a right on that very ground, to make use of such passages from it as he thought proper. If a witness for one party, had cited from a book for the purpose of establishing certain doctrines as those originally professed by the society of Friends there surely was no principle on which the counsel on behalf of the other party, could be deprived of their privilege to read and examine the whole of that book, if they pleased, in order to ascertain whether a true construction had been given to its positions, or whether the positions themselves had been correctly stated.

A long and able argument ensued, supported on the one side by Messrs. WALL and SOUTHARD, and on the other by Messrs. WOOD and WILLIAMSON, the latter basing their argument against the admission of such *new* matter, as they alleged it to be, on the authority given in Blackstone's Commentaries, Vol. 3d. p. 451, speaking of appeal to parliament, he says, “An appeal to the king in parliament wa

always unquestionably allowed. But no new evidence is admitted in the house of lords upon any account ; this being a distinct jurisdiction : which differs it very considerably from those instances, wherein the same jurisdiction revises and corrects its own acts, as in rehearings and bills of review. For it is a practice unknown to our law, (though constantly followed in the spiritual courts,) when a superior court is reviewing the sentence of an inferior, to examine the justice of the former decree by evidence that was never produced below."

As the debate was merely incidental, and confined to the one main point alluded to, we content ourselves with recording the decision of the court, which was given by the governor in the following terms:

"The court are not altogether united in opinion ; but so far as I understand, it is the general opinion of the court, that all such books as are mentioned in the "exhibit," and all such books as are referred to by the witnesses, are proper to be read, and as such must be admitted."

Judge Clark. I am inclined to the opinion, that any book which was in existence at the time this controversy commenced, is evidence even though it should not have been produced before the court below. Suppose the parties had taken issue in this cause without going into evidence, is the court not to be enlightened by any authority which bears upon the subject? Suppose also, the counsel had failed in citing authorities by which the truth of these matters might be brought to light, are the court, therefore, to be restricted in their privilege to do so?

Mr. Wood. Does the court then admit evidence here which was not admitted in the court below?

Judge Clark. In my opinion the court has a right on a question of this description, to avail itself of every source of information. These are matters of history ; and as such are to be examined and sifted. I do not look upon them as matters to be settled merely by authorities referred to in the "exhibit." The Bible is not made an exhibit here ; so of many other highly-informing books on the question. But are we, on that account, to be precluded from availing ourselves of the light which they may impart? The points at issue are points of doctrine, and if we are not to investigate those doctrines by every means in our power, I know not how we shall ever arrive at the truth.

Mr. Williamson. We do not understand the decision of the court to have gone so far.

Judge Clark. Nor has it; I have merely given this as my opinion.

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Here the debate closed.]

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MR. WALL proceeded:

I was about to read a passage from the work of George Whitehead, treating of the divinity of Christ. In an epistle, by way of preface to that work, written by George Fox and John Stubbs, among many other pointed remarks on this subject, this passage occurs, page 10: "Mark, reader, he says there are three persons, and *three subsistents* in the Godhead; and hath he not made four here? If there be three in the Godhead, he hath made four; for what is the Godhead? God is *one*, and he hath made *three* beside; see page 4 of his book. And so in the title of his book, he speaks of *three persons* in the Godhead: and are there not *four* then? And in the said fourth page, he says, he thinks he hath answered all the arguments of the *antitrinitarians*. He doth *but think so*, it seems."

In page 30 of this work, George Whitehead remarks, in answer to Vincent: "As for instance his argument, page 13, 'The Father, the Word, and the Holy Ghost, are either three substances, or three manifestations, or three operations, or three persons, or something else; but they are not three substances, nor three manifestations, nor three operations, nor anything else; therefore they are three persons.'

"To the first part;—indeed they must be something. To the minor, if they be neither three substances, manifestations, &c. nor anything else, this renders them nothing, and contradicts both the major and conclusion, where they are something else, which is three persons (he saith). So the tenor of his argument runs thus: they are something, but they are nothing, (he means nothing else but three persons,) therefore they are three persons. It would have held better thus, but against himself: if the Father, the Word, and the Spirit, be not three distinct substances, then not three distinct persons; but they are not three distinct substances, *ergo*; unless he can show us a distinct person without its own substance. But his brother, T. D. saith, a person is *rationalis naturæ individua substantia*, an individual substance of a rational nature. See how flatly T. D. and T. V. have contradicted one another herein; one affirming they are three persons, because not three substances; the other, that a person is an individual substance. But if T. V., by saying there is not a word in his syllogism but what is to be found in Scripture, intends that every word, particularly, is to be found in Scripture—the word substance, the word manifestation, operation, person, &c. abstractively—what proves this of his matter? for the contrary may be asserted from bare words. I never met with more silly kind of arguing before. And if so be his other argument, from the property of the Father to beget, of the Son to be begotten, of the Holy Ghost to proceed from them both, &c. be an argument sufficient to prove three distinct persons in the Godhead, with three incommunicable properties, &c. then doth it not follow as well, that every spiritual perfect gift that proceeds from God to man, must needs be a person, and then so many gifts or manifold graces as proceed from him, (or are begotten by him,) are so many persons in him; which would be numerous indeed, and amount

to a plurality of trinities: for the Spirit is given variously, and in divers manifestations, and the graces and gifts of God are many and manifold. But the shallowness of this man's arguing, who is it cannot see? Besides, that Christ being the express image of the Father's substance, and the Spirit the life of both, it is neither scriptural nor reasonable to say that the image and life of one and the same thing, should be either two distinct and separate persons from it, or from their own substance. So that still it follows, that if the three bearing record in Heaven, be one divine substance, and not three substances, then not three distinct or separate persons; as also, God is called both the Word and Spirit."

(Court adjourned.)

Tuesday afternoon.

MR. WALL resumed:

When the court adjourned, I was endeavouring to show your honours, the opinions entertained by the primitive members of the society of Friends. I had proceeded to cite some passages from Whitehead's Divinity of Christ. I wish now to call attention to one or two remarks in the same work, pages 34, 35: "And where in page 31, it is said, 'In regard to his human nature, the Jews spoke true, Thou art not yet fifty years old: as man, he was the son of Abraham, and born many generations after him,' &c. Now I ask if he was not a person as man, and so born? And if there were three co-eternal persons before, whether this doth not make a fourth? For as he was not fifty years old, this had not reference to his divine nature, as is confessed. But then, when in page 36, 'The generation of the Son must be eternal, the Son being so; (they say) how is his personality, with reference to his being begotten, denied to be infinite?' in page 45. What gross and apparent contradictions are these?

"And as to his instance, Matt. iii. 16, 17, how that 'Jesus went up out of the water, and the Spirit descended like a dove, and lo, a voice from heaven,' to prove a 'distinction of all the three persons; the Son was clothed in flesh, the Spirit in the shape of a dove, the Father was in the voice, he saith,' &c. Let the reader but mark how far short of proving his distinction, this instance is: surely he will not say that the Son was clothed in flesh from eternity, nor the Spirit in bodily shape like a dove from eternity; for if three personalities did consist in these visible appearances, how were they co-eternal, co-essential, co-equal with God? &c. And surely personality doth not consist in the shape of a dove, neither do we read of a person of a dove. Besides, the Spirit's appearing in a bodily shape like a dove, doth not prove that the Spirit was a distinct or separate person from Jesus, for he had the Spirit in him, and was not separate from the

Spirit, though that appearance like a dove was for a confirmation to John's belief of him. John i. 32, 33.

“T. V. (Isa. vi. 3) ‘Holy, holy, holy, is the Lord of Hosts; the three holies signify the three persons; the Lord of Hosts, the one God.’

“I must confess I never heard this argument before. If each holy signifies a person, how then are they spoken to the one God? and if so many holies as are given in praise to him, do signify so many distinct persons in him, then they will amount to a great many trinities; for it is said, Rev. iv. 8, ‘They rest not day nor night, saying, holy, holy, holy, Lord God Almighty,’ &c. Now if all the holies they give day and night to him, be so many persons, then they will amount to persons *ad infinitum*. But the absurdity of this argument, who cannot but see? As also his argument from the distinct names, is little better; for God is denominated under many names more than three. And also his arguing from the fourteenth, fifteenth, and sixteenth chapters of John, from personal acts, as he calls them, as sending the comforter, as speaking and guiding, &c. Where doth the Scripture call them personal acts? Were they not spiritual acts of the divine spirit and power of God? And was there any *act* but what was brought forth *in time*? And was the Father's begetting the Son, a personal act? (however, was it not an act in time?) if so, how says T. V. that the generation of the Son must be eternal? What distracted confused work is here!”

Again, in Whitehead's Answer to Danson's Synopsis, it is said, on pages 62, 63, “John Owen—‘Every person hath distinctly its own substance, (but then in contradiction he adds,) for the one substance of the Deity is the substance of each person, but each person hath not its own distinct substance.’

“Reply. A strange riddle and invention, that each person hath distinctly its own substance, and yet not its own distinct substance. What Scripture hath he for this critic and nice distinction? How is a person then an individual substance of a rational nature, that is not upheld by another, if it hath not its own distinct substance, whilst yet it hath distinctly its own substance? But the divine substance of the Deity, of the Father, the Word, and Spirit, is but one, as often hath been granted; so, then, the Holy Ghost, though confessed to be a substance, page 101, yet I say, not a personal substance distinct from the Father and the Son, as there is ignorantly asserted.

“But, then, I. O. to tell us, page 118, that all divine properties, such as to be infinite is, belong not to the persons, on the account of their personality, but of their nature, &c.

“Observation. Then it appears they are not three infinite persons, but one infinite God; and yet those persons are the Father, the Son, and the Holy Ghost: were it not both blasphemy and contradiction to say they are finite? and what better have our opposers said? But at other times they are eternal: God eternal, the eternal Son, and eternal Spirit; and thus they wheel about, and say, and unsay.

“Answer. It were better for them nakedly to apply themselves to the plain language of Scripture and keep to it; to lay aside and avoid confusion and absurdities about distinct finite personalities, which the Scripture does not put upon the infinite God, in whom there is neither finiteness nor variableness. ‘I am God, I change not,’ saith he; ‘the Lord is *one* and *his name one*,’ from everlasting to everlasting he is God unchangeable. And the Father, Son, and Holy Ghost being one divine infinite substance, are one infinite God. Away with your vain babbling, and invented erroneous distinctions of finite persons in him who is infinite. You are not worthy therein to talk of God, nor to take his holy, precious, and pure name in your mouths, who are in your sins and pollutions, corrupting yourselves in your carnal conceptions and imaginations about those things that you know not; who are gone after human inventions, invented words, names, terms, and distinctions, such as neither the Holy Ghost nor the Scriptures ever taught you.”

And page 75:—“If the Father, the Word, and the Spirit be in each other, and so inseparable, then not three distinct (nor separate) persons; neither can one be several by himself from another.”

In the works of Stephen Crisp, pages 82 and 83, it is said: “The doctrines of your church also are reprovable and corrupt in many things, contrary to the Scriptures. And first in your doctrines of God, whom you say is to be known and believed on, as in the distinguishment of three persons; and herein ye teach contrary to the Scriptures of truth, which ye say is your rule, and by it are all such dreamers and deceivers judged, and by the spirit which gave them forth, which speaks nowhere of three persons, as ye imagine and teach, but declares of the only wise God, who is *one in his being and subsistence, individual, infinite*; who divideth all things, and to every sort their portion; who limiteth all things, and is not limited; whose power and spirit is inseparable from him, who is the Father of the spirits of all flesh, who by his power createth, and by his spirit quickeneth all living creatures; whose power is the Christ, and whose spirit is the holy and eternal life which they partake of, who wait for his appearance in his power. And these doth not the Scriptures call three persons, but *the one witness in the Heaven*, which you are all ignorant of who dream and divine to the people of a distinguishment of persons in the Godhead. Therefore cease your deceit, ye deceivers and soothsayers of Egypt, and come to the light that shines in the heart, that by it you may come to the true knowledge of God your creator, and of his power by which ye were created, and of his spirit by which he quickens into newness of life, all those who fear him and wait for his salvation, which now by the light is making manifest.”

I also refer to a passage in the first volume of Isaac Penington’s works, pages 264, 265, to which I wish to call attention, viz. “There are four instances given, or four particular fundamentals mentioned, to which their doctrines are said to be destructive. First, The sacred

trinity. Secondly, The person of Christ. Thirdly, The holy Scriptures as a perfect rule of faith and life. Fourthly, The doctrine of perfection.

“Now for the making of the thing clear and manifest to every sober mind, it is requisite first to consider what the Quakers hold in these several particulars; and then whether that which they hold in these respects be contrary to the truth of these things, as they are plainly related in the Scriptures: for if that which they hold be not contrary to the naked voice and proper intent of the Scriptures, then they are not to be blamed; but the blame will light on their accusers, who might easily be found guilty of injuring both them and the Scriptures, both in these and many other things, were they not judges.

“Concerning the sacred trinity. They generally, both in their speakings and in their writings, set their seal to the truth of that Scripture, 1 John v. 7, that ‘there are three that bear record in Heaven, the Father, the Word, and the Holy Spirit.’ That these three *are distinct*, as three several beings or persons, this they read not; but in the same place they read that ‘they are one.’ And thus they believe their *being to be one*, their *life one*, their *light one*, their *wisdom one*, their *power one*: and he that knoweth and seeth any one of them, knoweth and seeth them all, according to that saying of Christ’s to Philip, ‘He that hath seen me, hath seen the Father.’ John xiv. 9. Three there are, and yet one; thus they have read in the Scriptures, and this they testify they have had truly opened to them by that very spirit which gave forth the Scriptures, insomuch that they certainly know it to be true, and own the thing from their very hearts. But as for this title of sacred trinity, they find it not in Scripture; and they look upon Scripture words as fittest to express Scripture things by. And surely if a man mean the same thing as the Scripture means, the same words will suffice to express it: but *the Papists and school-men having missed of the thing which the Scripture drives at*, and apprehended somewhat else in the wise imagining part, have brought forth many phrases of their own invention to *express their apprehensions by*, which we confess we have no unity with; but are content with *feeling the thing* which the Scripture speaks of, and with the words whereby the Scriptures express it.”

Francis Howgil, in a tract entitled, “The Popish Inquisition newly erected in New England,” says, (Works, page 250,) “Trinity of persons in the divine essence; where learned you this article? From the pope, from the mass-book; yet the Father, Son, and Spirit are owned, and these three are one; and the Father, Word, and Spirit, and these are one. But I challenge all you orthodox professors, to show me from Scripture, where the Holy Ghost (or Spirit) is called a person. Be ashamed of your ignorance, ye illiterate men.”

And page 251: “Do but mark the madness and confusion of these mighty rabbies. Before there must be three persons in one essence, and now Christ must be distinct from the Father and the Holy Ghost;

before in God, and now distinct from God! This is damnable doctrine, which hath been brought in since the apostacy; for the Scripture saith, 'God was in Christ, reconciling the world to himself;' how was he distinct from the Father, when the Father was in him? And 'I am in the Father, and the Father in me;' and 'I and my Father are one.' Nay, say New England doctors, they are distinct. And the fulnèss of the Godhead dwelt in him bodily. How prove you that the Father and the Holy Ghost are distinct from Christ? or how is Christ's person distinct from every believer, when he that is a believer hath him revealed in him, and he that is a true believer eats his flesh and drinks his blood? How is he then distinct? What nearer union can there be expressed? Is that distinct from a man, that he hath in him? But it may be they will say, (as the rest of the dreamers do,) he is in believers by his spirit, distinct from his body. Then I say, Christ is not divided; a person without a spirit, or distinct from the spirit, is not Christ. But this blind doctrine came up since the apostles' days, and was counted as orthodox by the councils at Nice and Lateran, a company of apostates, and hath been counted, by the beast's followers, a great point of divinity."

Robert Barclay, in his Apology, page 333 of the folio edition of his works, asserts, that "the proper essence and nature of God," "is not divisible into parts or measures, as being a most pure, simple being, *void of all composition or division.*"

These were all approved writers, and the most prominent in the society, and let it be remembered, that most of them had written before Quakers settled in New Jersey. From these citations from their writings, I think it is abundantly manifest, that the primitive Friends not only discarded the term "trinity," but the doctrine which, by the trinitarian sects, that term was used to express. In further illustration of their views, I proceed to state,

2. They believed that the Father, Son, and Holy Spirit, *as regards the divine nature, are one and the same.*

George Fox, for example, in page 396 of his "Great Mystery," thus expresses himself: "He saith, 'God the Father never took upon him human nature.'

"A. Contrary to the Scripture, which saith, 'God was in Christ reconciling the world unto himself;' and thou art ignorant of the great mystery, 'God manifest in the flesh;' and his name is called 'the everlasting Father.' As for the word human, which is from the ground, it comes from thy own knowledge, which is earthly. And Christ took upon him the *seed of Abraham and David, according to the flesh*; and this is Scripture language."

In the works of William Bayly, pages 114, 115, 116, 117, and 118, this ancient Friend sets forth at length, his own opinion, and that of the society, on this point: "There is a great noise, by way of objection, among many of the professors in this age, against the people called Quakers; which is on this wise, viz.: 'We do not under-

stand, say they, that you ever pray to God in the name of Jesus, or in the name of the Lord Jesus Christ, &c. though we grant you often preach and pray, and many good exhortations there are to be heard among you, but we seldom or never hear you pray or preach in the name of *Jesus*, or you seldom use the name of *Jesus* among you; but of *God*, and the *Father*, and the *light*, and the *power*, and the *spirit*, and the *wisdom* of God, &c. Seeing it is written, that whatsoever you do, do it in the *name* of the *Lord Jesus*; and to the name of Jesus, let every tongue confess, and every knee bow; and whatsoever ye ask in *my name*, saith Jesus, shall be given to you,' &c.

"To which I shall endeavour to answer, as I have received of the Lord, making it manifest unto the meanest, simple, sober understanding, whose heart truly desires after the everlasting satisfaction which is in the fulness of the *one only true God*, who is *one Lord* and his *name one*, unto or in them who are in subjection to the Higher Power, which hath a name above every name under heaven, to which every knee shall bow.

"First. I do affirm, that they who preach and pray in the spirit, and power, and light, and wisdom of God, do pray in the name of Jesus; for Jesus is but a name which was given unto that which was before that name was, which the angel called a holy thing, and also said, 'That holy thing which shall be born of thee, shall be called the *Son of God*.'* And also, it is written, 'Behold a virgin shall be with child, and shall bring forth a son, and they shall call his name Immanuel; which, being interpreted, is *God with us*.' So that *this One Holy Thing* in process of time, according to the knowledge of his works and operations, in and by many, hath several, many, and various names given unto it.

"Therefore consider the weight of the mystery of God, which is manifested, and hath been manifested, through divers things, names, and operations unto mankind, since his departure from that life in which, in the beginning, he was *made in uprightness*, according to its own likeness and image. As, after man had transgressed, the name of this holy thing was then promised under this denomination, 'the seed of the woman,' which was to bruise the serpent's head, which had led into transgression. And his name is called, 'the word of God,' by whom all things were made and created; and he is called, 'the faithful and true witness,' the 'beginning of the creation of God;' and he is called, 'the lamb slain from the foundation of the world;' and he is called, 'the lion of the tribe of Judah;' and he is called, 'the wonderful counsellor;' and he is called, 'the Lord our righteousness;' and he is called, 'the prince of peace,' and 'the tried stone,' and 'a rock;' and yet the same is called the 'branch,' and the 'child,' and the 'mediator,' and the 'redeemer,' and the 'king of Sion,' and the 'star of Jacob,' and the 'star of Israel,' and the 'bright and morning star.' And he saith of himself, 'I am the good

shepherd, which lays down his life for the sheep;' and in a certain place it is written, 'the life is the light of men.' And again saith of himself, 'I am the way, the truth, and the life,' and 'I am the true vine,' and 'I am the door;' and yet saith, 'I stand at the door and knock:' and 'I am the light of the world, no man cometh unto the Father but by me.' And Moses wrote of him, saying, 'A prophet will the Lord your God raise up in the midst of his brethren, like unto me, and him shall you hear in all things; and it shall come to pass, that he that will not hear that prophet, shall be cut off from among the people.' And the apostle saith, 'Say not in thy heart, who shall go up into heaven, to bring Christ down, or into the earth, or beyond the seas, to fetch him hither for us? But the word is very nigh thee, even in thy heart and in thy mouth, that thou mayest hear it and do it; and this is the word of faith which we preach:' &c. and sometimes saith, 'we preach Christ crucified, unto the Jews, (who sought after an outward sign,) a stumbling-block, and to the Greeks, (who sought after wisdom of words,) foolishness;' but to them that were saved, Christ was the 'power and wisdom of God;' of whom unto them was also made righteousness, sanctification, and redemption; but is a stone of stumbling and rock of offence unto them that are disobedient to the word of faith, which is very nigh, in the heart and in the mouth,' &c.

"Secondly. Now rightly consider and understand, that *all these various names* were given to and spoken of *one and the self same thing*, (as it is written, 'the undefiled is but one,') in which is the substance of them all, and all types, shadows, figures, and words centre and end, even in him who is the alpha and omega; to which they were given, according to the dispensations, manifestations, and operations unto the understandings, and sensible workings in the souls of the sons of men. As thus, when he manifesteth unto man his transgressions, vain life, words, and conversation, and the evil of his ways, and that he hath not peace with God, being in the fall, by this first appearance this holy thing is properly called 'light;' and as it checks, reproves, troubles, and smites, it might be called a 'manifestation of the power and spirit of God;' and as it judgeth and condemneth in the same, he is properly called 'a law-giver' and 'a judge;' and as he destroys and slays the enmity or root of iniquity in man, which separates from God, he is called the 'word of reconciliation;' and so having reconciled by his power or life to God again, by this operation and effectual work, he is rightly called 'a redeemer,' 'a restorer,' and 'a maker up of the breaches.' And as he guides, draws, and leads out of sin, he is called a 'leader or commander of the people;' and as he preserves and defends them whom he hath led out of transgression in himself, he is called a 'rock,' a 'refuge,' a 'shield,' a 'strong tower,' and a 'munition of rocks,' &c. And as he instructs, teaches, and counsels, he is called the 'wonderful counsellor,' the 'prophet,' and 'high priest,' and the 'overseer of the soul;' and as he rules, and hath the dominion in man, then

may he by that man be properly called ‘the Lord,’ and in truth may say, ‘the Lord is my light, the Lord is my judge, the Lord is my law-giver, the Lord is my king, my shepherd and saviour,’ which is Christ, the power of God, the anointing; which, when so known and enjoyed, as before mentioned, in a man, there is truly witnessed the knowledge of the only true God, and the government and kingdom of the Lord Jesus Christ, and not before. He that can receive it, let him.

“Now, it is written, ‘His name shall be called JESUS; for he shall save his people from their sins.’ Mark, *his* name, signifying it was *a thing* before the name Jesus was, or any other of those names before mentioned. For he is that word, or power, by which all things that were made were made and created, of which it is said, ‘In the beginning he was with God, and was God;’ and by the angel called ‘Immanuel, God with us;’ and by the apostle, the ‘power of God,’ and the ‘wisdom of God.’ So that it is not the names which are to be contended or striven about, (which is to no profit,) but rather to wait to know that name which is a ‘strong tower,’ to which every knee shall bow, of things in heaven and things in earth, which is the higher power, of God ordained, that to it every soul should be subject, &c.

“So that all these names are given to the power of God, in which is the fulness of the treasures of life, virtue, goodness, mercy, truth, wisdom, and knowledge; which never fadeth away, and in which is enjoyed every good and perfect gift. The power of God, who is light, reproveth for sin; the power of God instructs, teaches, guides, counsels, restores, reconciles, preserves, defends, and gives victory and dominion, where it is obeyed, over all things which are contrary to the power of God.

“So, all these names are given to the power of God, which is but one, and is that name which is ‘as precious ointment poured forth,’ and is the strong tower in which the righteous are safe, which is called ‘Christ,’ ‘God with us,’ ‘the Immanuel,’ which worketh and fulfilleth the Father’s will, or effecteth the willings and purposes of the original fountain from whence it springs, which holy thing is called rightly ‘the Son of God,’ ‘the heir of all things,’ by which they were made and created; and he is before all things, and the end of all things, the ‘alpha’ and ‘omega,’ the ‘amen.’

“Thirdly. Now, if any pray, or preach, or speak in the power of God, and in the wisdom of God, they do it in the name of Jesus; or if any pray in the truth, and the life, and the way, they pray in the name of Jesus; and if any pray in the true light and spirit of God, ‘which lighteth every man that cometh into the world,’ they pray in the name of Jesus; as it is written, ‘the true worshippers worship the Father in the spirit, and in the truth;’ and not every one that saith, ‘Lord, Lord,’ or that can often mention the name ‘Jesus.’ It is another thing than the wisdom of this world can either speak or comprehend: for it is written, ‘whosoever shall call upon the name

of the Lord, shall be saved;' and 'no man can call Jesus Lord, but by the spirit of God;' and 'every one that nameth the name of Jesus, departs from iniquity.' He that can hear, let him.

"Therefore, stumble not nor dispute not about names, or words, or letters, which were given, through the various operations, to the one, holy, undefiled, unchangeable thing, *as it was witnessed, understood, and enjoyed*, by those men which were made holy through the divine workings, teachings, instructions, counsels, and guidances of it.

"Fourthly. Now mark and consider these words following: 'Whatsoever you do, do all in the name of Jesus;' and 'to the name of Jesus let every knee bow, and tongue confess;' and 'through the name of Jesus the devils were made subject;' and 'through faith in the name of Jesus people receive the remission of sins,' &c.

"Yet again it is written, by the true Christians, 'We are the circumcision that worship God in the spirit, and have no confidence in the flesh;' and saith, 'If ye walk in the spirit, ye shall not fulfil the lusts of the flesh;' and 'I will pray with the spirit, and sing with the spirit, and with the understanding;' 'For the Son of God is come, and hath given us an understanding,' &c.

"And again: 'As every one of us have received Christ Jesus the Lord, so let us walk in him;' and 'if we are in the light, as he is in the light, then have we fellowship with the Father, and with the son Jesus Christ, and one with another,' in him. And the Father, Son, and Spirit are one, which was before the names, letters, or words were, or before the bodies of creatures were made and created; who is the invisible, only wise God, who to us is one Lord, and his name one. And 'as many as are led by the spirit of God, they are the sons of God.' And Adam, before transgression, before the names were given to any creatures or things, or words or letters were, was in the image of God, and blessed of God, in dominion over all creatures, the son of God; and he that leads again out of transgression into the paradise of God, is the 'second Adam,' the 'Lord from heaven,' the 'quickening spirit,' which is given to us, who have believed and received him, to lead us into all truth, and is our comforter, instructor, preserver, king, and saviour, reproving the world for sin, and for righteousness, and for judgment, as it is written. So there is a white stone given, with a new name in it, which no man knoweth but he that receiveth it.

"But as many as receive this white stone, (the light,) to them he gives power to become the sons of God; in which the names end, and that name only remains which is a strong tower, and a sure dwelling-place for all the upright in heart, from the beginning, at this day, and for ever. Amen."

In the works of Isaac Penington, vol. 1, pages 693-4, this explicit passage occurs: "God is one. There are *many names*, but *the thing is one*. The life, the power, the wisdom in the Father, Son, and Spirit, is all one: yea, they themselves are one, *perfectly*

one, not at all divided or separated ; but where the Father is, the Son is; and where the Son is, the spirit is; and where the Spirit is, there is both the Father and the Son, who tabernacle *in man* in the day of the gospel. And where these are, there that is which is to be preferred before all words, which was afore them, and is in nature, Spirit, and glory above them. He that hath the Son, hath life, even the life eternal, which the words testify of. He that hath the Son, hath him which is true; and he that is in the Son, is in him that is true; and abiding there, *cannot be deceived*; but *he that is not there, is deceived, let him apprehend and gather out of the Scriptures what he can.*"

Again, in vol. 2d, pages 17, 18, he says: "If I, or any one else, have felt the saving arm of the Lord revealed in us; if we have felt a measure of the same life, power, and anointing revealed *in our vessels as was revealed in his*, is it not of the same nature? Is it not the same thing? Is not Christ the seed? And is not this seed sown in the heart? Now if this seed spring and grow up in me into a spiritual shape or form (though it be but of a babe), is not Christ then formed in me? If I be ingrafted into, and grow up in it, am I not ingrafted into Christ, (the true olive-tree, the true vine,) and do I not grow up in him? *And is not this the same Christ that took upon him the body of flesh, and offered it without the gates of Jerusalem?* Is there any more than one, or is there any other than he? Is Christ divided? Is there one Christ within, and another without? He that knoweth the least measure of the thing, doth he not know the thing in some measure? And he that is in the least measure of the thing, is he not in the thing? He that knoweth the Son, doth he not know the Father? And he that knoweth the Spirit, doth he not also know the Son? And he that is in the Spirit, is he not in the Son? For they are *one nature and being*. A man *may have notions* of the one, and not of the other; but their nature, their being, their life, their virtue is inseparable. And as Christ said concerning the Father, that he was in the Father, and the Father in him; and that he that saw him, saw the Father; so may it not be as truly affirmed (in the true sense and understanding of life) concerning Christ, that he is in the Spirit, and the Spirit in him; and that he that seeth the Spirit, seeth him; and he that seeth him seeth the Spirit? *for he is the Spirit*, according to that Scripture, 2 Cor. iii. 17. 'Now the Lord is that Spirit; and where the Spirit of the Lord is, there is liberty.' What to do? Why, to see and read within the veil, and to behold the glory of the Lord, which is revealed there; which they whom the veil was over formerly, or whom the veil is over now, have not liberty to do. Here is confusion and impossibility to man's wisdom; that *Christ should be all one with the Spirit*; that *Christ should send the Spirit in his name, and also himself be the Spirit whom he sends*. (This is a hard saying, who can bear it?) And yet this confusion to man, is God's wisdom, and precious in their eye who are taught of him.

“For it is one and the same Christ that was signified in types and shadows under the law, revealed in the fulness of time in that prepared body, and afterwards in Spirit.”

In George Whitehead's *Christian Quaker*, page 352, it is said, “Whereas H. G. saith, ‘Are there not three that bear record in heaven?’ I say yes, and these three are one. And is not Christ the Saviour that Word which is one of the three? which are but one Divine Being, thing, or substance, *though revealed under several considerations, and diversities of manifestations, and degrees of discoveries*, yet all *one divine life and being*, as God is the Word, the Life, the Light, and so is Christ. And the holy Spirit is life to the righteous, and so is Christ the way, the truth, and the life. ‘In him was life, and the life was the light of men;’ the life affordeth light to all, and the light life to all that obey it, and in it follow Christ. Such receive the light of life, and come to walk in the light of the living. As the light of life is received unto justification and peace, the holy Spirit is received, in that glorious ministration, as comforter, after a state of desolation and sorrow, of whom Christ said, ‘He shall receive of mine and shall show it unto you.’ John xvi. 13.”

William Penn, 1st vol. page 269, thus expresses himself, on this point: “I sincerely own, and unfeignedly believe, (by virtue of the sound knowledge and experience received from the gift of that holy unction, and divine grace inspired from on high,) in one holy, just, merciful, almighty, and eternal God, who is the Father of all things; that appeared to the holy patriarchs and prophets of old, at sundry times, and in divers manners; and in one Lord Jesus Christ, the everlasting wisdom, divine power, true light, only saviour and preserver of all, *the same one, holy, just, merciful, almighty, and eternal God*, who in the fulness of time took, and was manifested in, the flesh, at which time he preached (and his disciples after him) the everlasting gospel of repentance, and promise of remission of sins, and eternal life to all that heard and obeyed; who said, he that is with you (in the flesh) shall be in you, (by the Spirit,) and though he left them, (as to the flesh,) yet not comfortless, for he would come to them again, (in the Spirit:) for a little while, and they should not see him (as to the flesh;) again, a little while and they should see him (in the Spirit;) for *the Lord (Jesus Christ) is that Spirit*, a manifestation whereof *is given to every one to profit withal*, in which holy Spirit I believe, as *the same Almighty and Eternal God*; who, as in those times he ended all shadows, and became the infallible guide to them that walked therein, by which they were adopted heirs and co-heirs of glory; so am I a living witness, that the same holy, just, merciful, almighty, and eternal God, is now, as then, (after this tedious night of idolatry, superstition, and human inventions that hath overspread the world,) gloriously manifested to discover and save from all iniquity, and to conduct unto the holy land of pure and endless peace; in a word, to *tabernacle in men*.”

3. Instead of considering the doctrine of the three that bear record in heaven, or the Father, Son, and Holy Spirit, as “a mystery beyond finite human conception,” and that they were not “warranted in making deductions” from the Scripture text, they *did explain their understanding of the terms*, and that they were intended to express *three manifestations or operations* of the *one* infinite and indivisible God. In other words, they accepted them to express, not an abstract, speculative idea, which would bewilder and confound, but an important practical truth, which they could know and realize in their own experience.

Thus, Francis Howgil, in his works, pages 307–8, says: “In the ninth page thou art going about to prove thy trinity, as thou callest it, and thou sayst, ‘the Father is a distinct subsistence, and the Son is a distinct subsistence, and the Holy Ghost is a distinct subsistence;’ and thou bringest John v. ‘There is another bears witness likewise,’ speaking of the Holy Ghost; he calls him another; and this another (thou sayst) is intelligible of the essence, and then sayst, ‘What is more manifest than another subsistence, and another subsistence speaks distinct subsistences;’ and thou sayst, ‘the Spirit is called the band of trinity.’”

“Answer. Another is not understood of another being, of another life, or another substance, but is understood of *another manifestation or operation of the same God*, who subsists in the same power, in which the Father, the Son, and the Spirit subsist, as I said unto thee before. Another, as *to distinguish of the operation and work of the Spirit and of the Son*, we do not refuse; but to make three distinct essences and beings is ignorance and error, as thou sayest, ‘Another is intelligible of the essence,’ and so thou hast made three essences, three subsistences, three persons, and three Gods. But we say, there is but one God, and there are three that bear record in heaven, the Father, the Word, and the Spirit, and these three are one. Now as for subsistence and essence, they are unsound words, coined of yourselves, from your dark imaginations, in which *there is no truth at all*, but to cast a mist. Now where the Holy Ghost is called a person in the Scripture, I have never read, and where it is called the band of trinity, I have never heard of before thee; and so thy blind ignorant conclusions and sophistical arguing will have little place with them that are come to know the teachings with the Spirit, and also keep to a form of sound words, which thou canst not.”

William Bayly, in a work published in 1660, pages 115, 117, already quoted, is clear to this point. “Now rightly consider,” says he, “and understand, that *all these various names* were given to and spoken of *one and the self same thing*, (as it is written, ‘the undefiled is but one,’) in which is the substance of them all, and all types, shadows, figures, and words, centre and end, even in him who *is* the alpha and omega; to which they were given, *according to the dispensations, manifestations, and operations unto the understandings, and sensible workings* in the souls of the sons of men.”

And again, "Therefore stumble not nor dispute not about names, or words, or letters, *which were given, through the various operations, to the one, holy, undefiled, unchangeable thing, as it was witnessed, understood, and enjoyed*, by those men which were made holy through the divine workings, teachings, instructions, counsels, and guidances of it."

George Whitehead, in his work on the Divinity of Christ, speaks thus, pages 23, 24: "The divinity of Christ, confessed by us called Quakers; and, what we own touching the Deity or Godhead, according to the Scriptures:

"That there is but one God, the Father, of whom are all things, and we in him, and one Lord Jesus Christ, by whom are all things, and we by him.

"That there are three that bear record in heaven, the Father, the Word, and the Spirit, and that these three are one, both in divinity, divine substance, and essence; not three Gods, nor separate beings.

"That *they are called by several names in Scripture, as manifest to and in the saints*, (for whatsoever may be known of God, is manifest in man, Rom. i.) and their record received as the full testimony of three, by such *as truly know and own* the record of the three in earth; and yet they are *eternally one in nature and being; one infinite wisdom, one power, one love, one light and life, &c.*

"We never denied the divinity of Christ, as most injuriously we have been accused by some prejudiced spirits, who prejudicially, in their perverse contests, have sought occasion against us. As chiefly because (when some of us were in dispute with some Presbyterians) we could not own their *unscriptural distinctions* and terms, touching the Father, the Word, and the Holy Spirit, to wit, of their being incommunicable, distinct, separate persons, or *subsistences*; whereas the Father, the Word, and the Spirit are one, not to be compared to corruptible men, nor to finite creatures or persons, which are limitable and separable. For, the only wise God, the creator of all, *who is one, and his name one, is infinite and inseparable*. Deut. vi. 4. Zec. xiv. 9. And the Father's begetting the Son, and the Spirit's being sent, *we witness to and own*, as he said, Thou art my Son, this day have I begotten thee. Psal. ii. 7. Heb. i. 5. And he hath sent his Spirit into our hearts, Gal. iv. 6.; and that the Father is in the Son, and the Son in the Father, yea, in the bosom of the Father. John i. xviii. and chap. xvii. 21, 23. So that they are neither divided, nor separate, being one, and of one infinite nature and substance; Christ being the image of the *invisible God*, the first-born of every creature, by whom all things were created, both in heaven and in earth. Col. i. Yea, the Son of God is the brightness of his glory, and the express image of his substance, Heb. i. 3. *ὑποστάσιως*, and that it was in due time God was manifest in the flesh. 1 Tim. iii. 16. As in the fulness of time God sent his Son. Gal. iv. And the Son of God was made manifest to destroy sin. 1 John iii. 8. And a ma-

nifestation of the Spirit is given to every man to profit withal. 1 Cor. xii. *So the manifestation of the Father, of the Son, and Holy Spirit, we confess to, and own to be in unity, (and so the only true God,) according to the Scriptures."*

And page 25, "And our knowledge of the only true God, and our faith in, and concerning him, and his name, unto our salvation, doth not consist in the traditional names, human inventions, nor in philosophical terms, and nice school distinctions, derived from heathenish metaphysics, which since the apostles' time, men have put upon the Godhead; *but in the living sense, and feeling of his divine power, life, and love, revealed in us by the spirit of the Son of God.* Whereby we have, in his gift of divine light and spirit, received life, and salvation from sin and death. See Matth. xi. 27. Luke x. 22. Matth. xvi. 17. Rom. i. 17. chap. viii. 18. Gal. i. 16. Eph. iii. 5. 1 Pet. xv. 12. ch. iv. 14. ch. iv. 13. ch. v. 1. 2 Pet. i. 3. Matth. i. 21."

And in chap. 2, p. 15, he says: "And now let the reader judge, whether such dark envious persons (as thou herein hast shown thyself,) are fit to be judges in these things of controversy, about such high matters, touching the three that bear record in heaven, (viz. the Father, the Word, and the Spirit,) when thou in thy earthly sensual wisdom, *never camest there*, neither canst thou till thou countest it loss unto thee, and comest to lose it, that the babe's state that enters the kingdom be known, in which the light and life of the Son of God is manifest, which discovers the hidden things of darkness, and reveals the mysteries of God's salvation to them that obey it."

Again: "The Father, Word, and Spirit, we really own, and bear witness to, both as mentioned in the Scripture, and *as knowing the absolute testimony and eternal power thereof manifested*, where that *which may be known of God is manifest*, (even *within*,) both in creating, begetting, and quickening us again to God out of death and darkness."

And page 31, he has this pertinent remark: "He saith, 'Reason, it may be, will leave us in our search after the Deity in the trinity, and the trinity, &c. but where reason faileth, *faith* must supply its room:' and then tells us of 'mysteries which reason cannot demonstrate to us,' and that 'in this mystery of the trinity we must exercise our faith, though we cannot clear it to ourselves by demonstration,' &c. But sure whilst reason hath so much failed T. V. and his brethren in this matter, that thereby they cannot clear it to themselves by demonstration, it is very strange and unreasonable they should make such a stir in the dark, as they have done, to impose it on the faith of others; and what tends this to, but to force people to exercise an implicit faith, whilst they have neither Scripture, reason, demonstration, nor revelation, (for that is ceased, they say,) to ground a faith upon in this matter."

And page 94, of his answer to Danson's Synopsis, he again says: "The three that bear record in heaven, the Father, the Word, and the Spirit, (or the Father, Son, and Holy Ghost,) are one, and insepara-

ble; nowhere in Scripture called three separate persons, nor finite in personalities; though *three in manifestation*, and so testified of (as three witnesses) for the confirmation of the testimony of the gospel.”

In Fox's Great Mystery, page 385, we have another strong passage bearing on the subject, viz. “The light which every man that cometh into the world is enlightened with, the covenant of God to Jews and Gentiles, doth enlighten every man that cometh into the world; and they that walk in the light, walk in Christ, and come to see before any natural light was. And he that walks in the light shall not abide in the darkness, but shall have the light of life; and *with the light he shall know God, he shall know the Son*, he shall know the gospel, he shall *know the Holy Ghost*, and that light is not natural. And he that knoweth God, knoweth the Father; and none know him but with the light of Christ Jesus who reveals him; for God is the Father. And ‘I will give him for a covenant, a light to the Gentiles, a new covenant to the house of Israel and Judah,’ who doth enlighten every man that cometh into the world, a leader of the people, a leader of them from death to life, to God, out of the fall, out of the first man Adam, a bringer in of righteousness, peace, and joy, and truth, and grace, to all that believe and receive him; but they that hate the light it is their condemnation. The light, Christ, the covenant of God, is the leader of the people out of the fall, out of all deceit, unto God, and *it is sufficient*. It is the end of the prophets’ and the apostles’ teaching, the fountain of life, in which every one sees life.”

4. The ancient Friends believed, that Christ is the wisdom and power of God, who was manifested in fulness in the man Jesus. That the body bore the name Christ from the virtue of the Father that dwelt in and actuated it, but that the term was applicable, in its *strict and highest sense*, to the *divine nature*. That the Saviour, the Jesus, the Christ, was from everlasting: that his taking a prepared body, or his being manifested in the man Jesus, made no alteration in him. That the manhood was but *instrumentally* a Saviour, being *entirely dependent on the Father* for everything he had, and everything he did.

Thus Isaac Penington, who says, vol. 1, pages 266, 7: “They (the Quakers) believe that Christ is the eternal light, life, wisdom, and power of God, which was manifested in that body of flesh which he took of the virgin: that he is the king, priest, and prophet of his people, and saveth them from their sins, by laying down his life for them, and imputing his righteousness to them; yet not without revealing and bringing forth the same righteousness in them, which he wrought for them. And by experience they know, that there is no being saved by a belief of his death for them, and of his resurrection, ascension, intercession, &c., without being brought into a true fellowship with him in his death, and without feeling his immortal seed of life raised and living in them. And so they disown the faith in Christ's death which is only received and entertained from the relation of the letter of the Scriptures, and stands not in

the divine power, and *sensible experience of the begotten of God in the heart.*

“Now they distinguish, according to the Scriptures, between that which is called the Christ, and the bodily garment which he took. The one was flesh, the other spirit. The flesh profiteth nothing (saith he,) the spirit quickeneth; and he that eateth me, shall live in me, even as I live by the Father. John vi. 57. 63. This is the manna itself, the true treasure; the other but the visible or earthly vessel which held it. The body of flesh was but the veil. Heb. x. 20. The eternal life was the substance veiled. *The one he did partake of, as the rest of the children did;* the other was he who did partake thereof. Heb. ii. 14. The one was the body which was prepared for the life, for it to appear in, and be made manifest. Heb. x. 5. The other was the life, or light itself, for whom the body was prepared, who took it up, appeared in it to do the will, Ps. xl. 7, and was made manifest to those eyes which were able to see through the veil wherewith it was covered. John i. 14.

Now is not this sound according to the Scriptures? And is it not a good way to know this by unity with it, by feeling a measure of the same life made manifest in our mortal flesh? 2 Cor. iv. 11. This we confess is our way of understanding things; and likewise of understanding the Scriptures which speak of these things. And we have found it a far surer kind of knowledge; namely, to understand the Scriptures by experience of that whereof the Scripture speaks, than to guess at the things the Scripture speaks of, by considering and scanning in the earthly part what the Scriptures speak of there. Such a kind of knowledge as this, a wise man may attain to a great measure of; but the other is peculiar to him who is begotten of God, whose knowledge is true and certain, though it seem ever so different from his who hath attained what he hath by the search of wisdom.”

Again, vol. 2, page 11, “Now, friends, if ye will know aright, believe aright, ye must know and believe in him, who was with the Father before the world was; who was the Saviour, the Jesus, the Christ, from everlasting. For what makes him so? Is it not his nature? Is it not the power of salvation in him? His taking up the body *made no alteration in him, added nothing to him;* only that was necessary that he should take it up, *to fulfil the will in it, and to offer it up a sacrifice in his own life and spirit to the Father.* This we firmly believe; and this also we cannot but say further, that the virtue, the value, the worth, the excellency of what was done in him in the body, was not of the body, but it was in him before time, and will be after time, and for ever: yea, it is he to whom the name Jesus and Christ did of right belong before he took up the body: and he only put forth in the body the saving virtue which he had before, which belonged to the nature, to the anointing in him, *whether ever he had saved any with it or no.* And this virtue, this life, this spirit, this nature of his, is the food, the righteousness, the

garment of life and salvation, which he (through the death of the body) made and prepared a living way for the soul to come to, to feed on, and be clothed with. I can hardly stop speaking of these things for your sakes, that through my words (or the words of whom the Lord shall please) ye might come to feel that which is able to give you the holy understanding, and might come to the *true sense and experience of the truth itself*, and might see who hath blinded you, and how he hath blinded you, and fed you with *husks and dry food*, instead of that which hath the *true living sap in it*. But while ye see and judge in that which is wrong, ye must needs judge amiss both of yourselves and others, and also of the truth itself, and of *the words spoken, either formerly or now, concerning it*, whereby ye expose and bring yourselves under the righteous judgment of the truth itself, even of the Son, and the light of his day, which hath power from the Father to judge all false appearances, deceits, and deceivers."

And vol. 1, page 271, "That which unites and ties the soul to Christ, the life, abides in the soul for ever, even as the union itself abides. And *there is a growing in the life*, even where the heart is purified from sin, *even as Christ did grow and wax strong in spirit*; for a state of perfection doth not exclude degrees."

Again, vol. 2, page 229; "It is said of Christ, 'He shall not judge after the sight of his eyes, nor reprove after the hearing of his ears, but with righteousness shall he judge,' &c. Isa. xi. 3, 4. Christ judged righteous judgment. How came he to judge so? Why, he judged in and with the spirit. He kept to the spirit's judgment. *The spirit of the Lord rested upon him, and made him quick of understanding in the fear of the Lord*, ver. 2, 3. And no man can judge aright concerning the things of God, but in and by the same spirit."

On page 26, he says, "Now that professors generally have not received their knowledge of Christ from the spirit, or from Scriptures opened in the spirit, (and so know not the thing, but only such a relation of the thing as man's reasoning part may drink in from the letter of the Scriptures,) is manifest by this, in that they are not able in spirit and understanding to distinguish the thing itself from the garment wherewith it was clothed, though the Scriptures be very express therein. Speak of Christ according to a relation of the letter, there they can say somewhat; but come to the substance, come to the spirit of the thing, come to the thing itself, there they stutter and stammer, and show plainly that they know not what it is.

"Now the Scriptures do expressly distinguish between Christ and the garment which he wore; between him that came, and the body in which he came; between the substance which was veiled, and the veil which veiled it. 'Lo! I come; a body hast thou prepared me.' There is plainly he, and the body in which he came. There was the outward vessel, and the inward life. This we certainly know, and can never call the bodily garment Christ, but that which ap-

the divine power, and *sensible experience of the begotten of God in the heart.*

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peared and dwelt in the body. Now if ye indeed know the Christ of God, tell us plainly what that is which appeared in the body. Whether that was not the Christ before it took up the body, after it took up the body, and for ever?

“And then their confining of Christ to that body, plainly manifesteth that they want the knowledge of him in spirit. For Christ is the Son of the Father; he is the infinite eternal being, one with the Father, and with the Spirit, and cannot be divided from either; cannot be anywhere where they are not, nor can be excluded from any place where they are. He may take up a body, and appear in it; but cannot be confined to be nowhere else but there; no, not at the very time while he is there. Christ, while he was here on earth, yet was not excluded from being in heaven with the Father at the very same time; as he himself said concerning himself, ‘The Son of man, which is in heaven,’ John iii. 13. Nor was the Father excluded from being with him in the body; but the Father was in him, and he in the Father: whereupon he said to Philip, ‘He that hath seen me, hath seen the Father.’ What! did every one that saw the body, see the Father also? Nay, not so; but he that saw Christ, Son of the living God, whom flesh and blood revealed not, but the Father only, (Matt. xvi. 16, 17,) he saw the Father also.”

On pages 379, 380, he says, “Now while he was in the body, his glory did shine to the eye of the children of the true wisdom: his disciples (to whom not flesh and blood, nor the wisdom and knowledge which they could get from the letter, but his Father revealed him) they saw the hidden glory; they saw through the veil of flesh, and beheld him as the only begotten of the Father, full of grace and truth.

“Now in this body he finished the work which his Father gave him to do; he fulfilled all righteousness, (the righteousness of the letter, the righteousness of the spirit,) that he might bring his brethren through the righteousness of the law or letter, into the righteousness of the spirit and power, into the righteousness of the new life; and he did that Scripture is read and fulfilled, ‘I through the law am dead to the law, that I might live to God.’ So his whole life was a doing the will of the Father, which sent him.

“When he was but twelve years old, he disputed with the doctors and teachers of the law, hearing and asking them questions, (discovering *the pure wisdom of the Father which dwelt in him,*) because it was his Father’s business which he was to be about, as he told his mother, Luke ii. 49. And when the Lord led him into the wilderness to be tried, he went and was tempted, that he might fight the battle against his great adversary. *And when the spirit of the Lord was upon him, moving him to preach the gospel, he preached the gospel in the spirit and power of the Father,* and went about doing good, and healing all that were oppressed of the devil, *as the Father’s spirit led and guided him: for he did nothing of his*

self, or in his own will, or for himself; but *all in the will and time of the Father*.

“ ‘ Mine hour is not yet come,’ said he to his mother, when she was hasty to have him do that miracle of turning water into wine, John ii. 4. And so when his brethren urged him to go up to the feast, (John vii. 3, 4.) ‘ My time,’ said he, ‘ is not yet come; your time is always ready,’ ver. 5.”

Again, on pages 5 and 6. “ There was the seed that wrought the thing, which seed was *the life*; and the seed in which he wrought it, which was *formed into a vessel like ours*, but without sin, in which the pure Lamb appeared in the pure power of life, which *kept the vessel pure*; and so he, (who was to be the first-fruits,) had *the honour above all his brethren*, being anointed with the oil of gladness above his fellows.

“ But we also are born of the same seed. He is formed in us; we are formed of him; we are as well of his flesh and blood, as he was of ours. And by being thus formed, and feeling him grow up in us, and receiving an understanding from him, and in him, thus we come to know him, and to understand the words of Scripture concerning him. By feeling and knowing the Lamb in our vessels, we know also what was the Lamb in his vessel.”

In George Fox’s “ Great Mystery,” page 346, we read:

“ P. They say, ‘ If the apostles had been put to preach upon a short text, or methodically, as by a long practice in the church, is expected from us, they might oftentimes have studied for it.’

“ A. In this you have showed your spirits, and made manifest you are void of the revelation from God, and your ignorance of the Scriptures; for the Holy Ghost shall not speak of itself, but take of his. And the apostles, what they had seen and heard they declared. And Christ, *what he had received of the Father, he declared*. And the spirit is that which speaks in the church, and it shows the fulfilling of the Scriptures, and it keeps not people long in texts, as the world doth, that wrests Scriptures up and down, and keeps people in sects. And so, there is the spirit leading into all truth, and the spirit of the Father speaking within, and the Holy Ghost that moved men to give forth Scripture, that teacheth to divide the word aright, which is the spirit of prophecy in the church, not studying.”

In Fox’s Journal, vol. 1, pages 109, 110, it is said, “ Moreover, the Lord God let me see, when I was brought up into his image in righteousness and holiness, and into the paradise of God, the state, how Adam was made a living soul; and also *the stature of Christ*, the mystery that had been hid from ages and generations: which things are hard to be uttered, and cannot be borne by many. For of all the sects in Christendom (so called) that I discoursed withal, I found none who could bear to be told, that any should come to Adam’s perfection, into that image of God, that righteousness and holiness that Adam was in before he fell; to be clear and pure without sin as he was. Therefore, how should they be able to bear being

told, that any should grow up to *the measure of the stature of the fulness of Christ*, when they cannot bear to hear that any shall come, whilst upon earth, into the same power and spirit that the prophets and apostles were in? Though it be a certain truth, that none can understand their writings aright, without the same spirit by which they were written."

On pages 180, 181, George Fox says: "I told him, 'Now he could see a thief, and join hand in hand with him: but he could not preach Moses, nor the prophets, nor John, nor *Christ*, except he were in the same spirit that *they* were in.'"

In George Whitehead's *Christian Quaker*, page 373, it is said "The *true Christ* is but *one and the same for ever*, though variously manifested, as both in the flesh and in the spirit; both *in his flesh* or body, *entirely, wherein he came unto his own, the Jews*, who received him not, and *spiritually in his followers who have received him*. For he said to his disciples, 'he that is with you shall be in you;' and to his Father, 'I in them, and thou in me, &c. *that the love wherewith thou hast loved me, may be in them, and I in them.*' But thus not universally in man, though, in some degree and sense, he appears universally in man."

In page 307, of the same work, it is said: "*The life of Christ as manifest in mortal flesh*, hath partaken of the afflictions of the upright in all ages. And the spirit of God is grieved, the just principle oppressed and offended with men's iniquities and transgressions. *So Christ*, considered as a seed, and in that low estate, is capable of being formed in man, both of being raised up in man by the power of the Father, of growing up as a tender plant, and as a root out of dry ground, and so of receiving power and help from him; as indeed every seed that is sown, and every plant that takes root, is capable of receiving virtue and nourishment according to its kind, or else cannot be quickened to life, grow, or bring forth fruit. And such growth of the immortal seed *was both in Christ and in his people*, which must be owned, if the seed of the kingdom within, and *the spiritual birth, or forming of Christ within*, (or he as a seed or plant of renown,) be *known and owned*, or a suffering, crucifying, dying, and living with Christ *be witnessed by man*.

"For Christ's *suffering, cross, death, resurrection, life, and dominion* are *spiritually known in the true believer*, who is *of the seed which Christ took upon him*. Yea, his spiritual begetting, spiritual forming in man, and spiritual birth is known within; and all for the redemption and salvation of man to God, or else he *falls short of life and glory*; and he that brings up the soul out of the horrible pit first descends thither."

And page 308: "Moreover, as the elect seed is spoken of in the Scripture, both with respect to Christ the anointed, and with respect to his seed and heritage; so also the seed is Christ, not only as *himself, anointed with the oil of gladness above his fellows*, but also *as in union and conjunction with his church or members*.

As the body is one, and hath many members, so also is Christ; and so Christ and the body comprehensively are one. He is the Anointed, and we are anointed in him, and he that hath anointed us is God.

“By all which it is understood, that we are partakers of the life, redemption, and privilege that is in Christ, as we are in him, and grow up in him.”

George Whitehead's “Light and Life of Christ,” pages 34, 35: “Again he says: ‘Christ was seen with a carnal eye, and his voice heard with a carnal ear.’ (Pages 25, 28, 29.) Whereas Christ said, ‘he that seeth me, seeth my Father also.’ Now dare he say, that God is such a visible object as may be seen by a carnal eye? Surely nothing is obvious to the carnal eye but that which is carnal or outward; but so is not the invisible. But indeed if the body that Christ took upon him in the virgin, and which was afterwards *crucified and put to death*, was *God*, (for he tells of God-man being born of the virgin,) then this would make God visible, and *to die*, when that body was put to death; which were no less than blasphemy; whereas *God was manifest in flesh*, Christ came *in the flesh*, (1 Tim. iii. 1 John iv.) and so *did bear the name Christ as he was in the flesh*.”

And again, page 46. “Baptist. ‘He was that day born a Saviour: but had the light within been the Saviour, or the spirit, or the Godhead, then this had not been that day born.’

“Answer. Hereby has he denied the spirit, the light within, or the Godhead to be the Saviour, and so has gone about to make a separation between Christ, the spirit, the light, and Godhead: whence then came this Christ? and by whose power was he a Saviour? had he any power but what was given him of the Father? But a Saviour was born: what was he born for but to bear witness to the truth? and by whose power and spirit, but by the power and spirit of the Father; and what he did and wrought, *it was what God did by him*. And though that day was born, in the city of David, a Saviour, was he a Saviour distinct from either light within, spirit, or Godhead? what manner of Saviour was he then? This is sad doctrine, to exclude spirit, light within, and Godhead from being a Saviour; surely flesh and darkness is not the Saviour, but the holy thing (spoken of) which was of the Holy Ghost.”

William Penn says, on page 571 of the first volume of his works: “Before I conclude, take this notable saying of Christ to the Jews, and what may be collected from it to our purpose: ‘Before Abraham was, I am—Abraham saw my day and rejoiced;’—which affords us briefly thus much: that though he was not so visibly come, yet it was the very same He that came above one thousand six hundred years ago, who was with the fathers of old, and that Abraham, who lived one thousand nine hundred years before that outward appearance, saw him, and his day. If this be not the import of the place, I know none; for the Jews, not believing him to be the Messiah, thought it

high presumption for him to compare with Abraham. ‘Art thou greater than our father Abraham, who is dead, and the prophets are dead? Whom makest thou thyself?’ said that unbelieving people. Unto which he answered, (that he might prove himself to be the true Messiah, the Christ of God,) ‘Abraham saw my day and rejoiced in it. They, still harping upon that visible body, or outward man, I was thirty-three years old, replied, ‘Thou art not yet fifty, and hast thou seen Abraham?’ taking that to be the Messiah, the Christ of God, and Saviour of the world, he meant, which they saw with their carnal eyes. To which he rejoined, with a ‘Verily, verily I say unto you, before Abraham was, I am. Then took they up stones to cast at him,’ &c. By all which it is most clear, that unless our adversaries will deny him that so spoke to be Christ, who singled and distinguished himself, as the Messiah, the Christ of God, and Saviour of the world, from that visible body, not fifty years old indeed; but Christ that then spoke must needs have been long before Abraham’s time, and that such holy ancients were not without a sight and prospect of him, and the day of his glorious appearance, or that most singular manifestation of himself in the body prepared for that great and holy purpose: witness the exceeding clear and heavenly prophecies in the Scriptures of truth, that were as so many forerunners, or introducers of the evangelical state.

“And this is unquestionably confirmed unto us, by that known and weighty expression of the apostle Paul to the Romans: ‘Whose are the fathers, and of whom, as concerning the flesh, Christ came, who is over all, God blessed for ever, Amen.’ Since here both Christ distinguished from the body he took, and also made one with God who is over all, blessed for ever, Amen. As much as to say, whose flesh Christ took, therefore Christ was before he took it; his taking it did not only constitute him Christ, which Christ is God: And if God, (which cannot be said of mere flesh, or of a corporal lineage,) then must he have been from all everlasting.”

Again, pages 574, 575, “But I further confess, that his righteous life, with respect to its appearance in that holy body, was grieved by sin, and that the weight of the iniquity of the whole world, with the concernment of its eternal well-being, lay hard upon him, and was his manhood insensible of it, under the load of this did he travel; he alone trod the wine-press; that is, all others were then insensible of that eternal wrath, which would be the portion of the impenitent persons, as well as that it was his great care, and deep travail, that that holy, yet oppressed seed, might arise over the pressures of iniquity in the hearts of men, to bruise the serpent’s head in all. And outwardly he gave his outward life for the world, so he might inwardly shed abroad in their souls the blood of God, that is, the holy purifying life and virtue, which is in him, as the Word-God, and of which, he is the light and life of the world.

“This was it which gave the manhood the understanding it had, and fitted it for so great an embassy; by whose power alone it fast-

prayed, preached, cast out devils, wrought miracles, lived that most unblemished life, patiently suffered death, was raised for a holy confirmation, maugre all the military opposition of the Jews: and this divine power it was which accompanied the ministry of his followers; rendering it efficacious to conviction and conversion. So that the invisible, spiritual, and divine life, principle or nature, was the root and fountain of all which is sometimes ascribed in Scripture to the body, by that common figure, or way of speaking amongst men, the thing containing, which was the body, for the thing contained, which was the eternal power, wisdom, life, &c. Not that we should irreverently rob the holy body of whatsoever acknowledgment is justly due, nor yet separate that which God hath joined: though I confess, with holy fear, I dare not attribute that to an *external prepared being*, which is the natural, proper, and *only work* of the divine light and life to operate and effect. But certainly, if some men in Scripture are entitled saviours because of the contribution of their trials, travails, and labours towards the salvation of mankind, of much more right is that honour ascribable to him who had the spirit without measure: for I do freely acknowledge the holy manhood to have been, in some sense, a co-worker and partner with the divine life in those trials, weights, sufferings and travails for mankind. Yet as it was the divine power that gave them weight in that great work, so was it the divine life in him, which *made that holy manhood what it was*; and therefore ought we, chiefly, to appropriate the salvation to Christ, *as the Word-God*, and to the holy manhood, but secondarily and *instrumentally*; I mean, as it was a chosen instrument or vessel, in and by which God declared the blessed glad tidings of love, and his message of reconciliation to the world: in which he gave the most heavenly example of purity, and through whose whole life, doctrine and death, did shine forth the clearest evidences of truth, goodness, mercy, patience, deep travail for the world, self-denial, holiness, and *triumphant martyrdom*."

In vol. 2, of William Penn's Works, pages 65 and 66, the following passages occur, in reply to one Jenner, viz.: "He takes up a whole chapter in his endeavours to prove that we deny the Lord that bought us, though very falsely, and equally unsuccessful.

"Because we deny that person (the son of God) that died at Jerusalem to be our Redeemer.

"Which most horrid imputation has been answered more (I believe) than a thousand times, by declaring that he that laid down his life, and suffered his body to be crucified by the Jews, without the gates of Jerusalem, is Christ the only Son of the most high God: but that the outward person which suffered was properly the Son of God, we utterly deny, and it is a perfect contradiction to their own principles; 'A body hast thou prepared me,' said the Son; then the Son was not the body, though the body was the Son's. This brings him more under the charge of making him but a mere man than us, who acknowledge him to be one with the Father, and of a nature eternal

and immortal; for he was glorified with the Father before the world was.

“ But he says, ‘ That we deny Christ to be a distinct person, therefore we deny the Lord that bought us.’

“ In answer to this I shall make these three offers. First. If he will but bring me one Scripture (for he calls it his guide and rule) that has directed him to such a phrase, as, distinct person, or that says, I and my Father are two, instead of, I and my Father are one. Secondly. If he will but bring me one piece of antiquity for the first two hundred years, that used any such expression. Thirdly. And if he can deny that the popish school-men, (through the assistance of the Aristotelian or infidel philosophy,) were not the grand fathers and promoters of such like monstrous terms, and uncouth phrases, I will be contented to take the shame upon me of denying proper, apt, and significant phrases. But till then I will tell him, that if the Son of God did purchase our salvation distinctly from the Father, the Father was not concerned in our salvation, but Christ only; and if he did so purchase it, as God the Son, (distinct from the Father,) then God the Son, (by his principles,) cannot be the same with God the Father; and all the earth, with all their idle sophisms and metaphysical quiddities, shall never be able to withstand the conclusion to be, two Gods. Otherwise, if the purchase was by God the Son, then God the Father was concerned as well as God the Son, because *the same God*; if not, then either Christ’s Godhead was not concerned in the purchase, *or there must be two Gods*; so that which he calls, a personality distinct from the essence, could not do it, and if the divine essence did it, then the Father and Spirit did it as well as the Son because *the same individual eternal essence*. Oh the fond dotage and dark conceits of men about that blessed mystery! Let Jenner turn to the fifth chapter of John’s first epistle, where he may find our faith at large in the point; and if he is not satisfied therewith, his refusal shall set the very letter of the Scriptures (his pretended rule) over his head, that he would suggest we deny.”

Daniel Phillips, in his “ *Vindiciæ Veritatis*,” pages 93—96, writing in defence of the passage just read from Penn’s Works, thus expresses himself: “ It is obvious to all, that our friend grants, in the same period that he that suffered his body to be crucified by the Jews, is the Son of God; yet in the subsequent lines, denies the outward person, outward man or body, which suffered death, to be properly the son of God. May it not be hence queried, How can we reconcile this W. P. with himself? To such, my answer is; the Son of God is to be considered in a twofold sense, viz. as he is the eternal Word, and as he is the seed of Abraham: as he is the divine *Logos*, he is properly, that is, by nature, the Son of God; but the flesh which he took of the virgin Mary, is improperly called the Son of God. To induce my reader to concur with me in this opinion, I shall first tell him what denominates any being properly, or by nature, the son or offspring of another, and what improperly gives him the like title.

Secondly, leave some rules of criticism concerning any particular passage that may occur, seemingly not so orthodox, as in other places the author is, to his serious consideration.

“Properly, a son is the natural product or offspring of any being, whereby the essential properties of that being are preserved; as, the son of man, beast, or tree.

“Improperly, when that name is given to any *per accidens*, to signify a person's worthiness, or unworthiness; son of the stars, son of the morning; so *e contra*, son of Belial, son of perdition. By creation, by adoption, by wonderful union, a person may also be so called.

“1. Then he is properly the Son of God, that hath the essential properties of God; as, eternity, immortality, infinity, immensity, ubiquity, &c.

“But the outward person, or body of Christ, hath not the essential properties of God; as, eternity, immortality, &c.

“Therefore the outward person, or body of Christ, is not properly the Son of God.

“2. He is properly the Son of God, that is in every respect one with the Father:

“But the outward person, that suffered, &c. is not in every respect one with the Father:

“Therefore, the outward person is not properly the Son of God.

“3. He is properly the Son of God, that is of the same substance with the Father:

“But the outward person, that suffered death, is not of the same substance with the Father:

“Therefore, the outward person is not properly the Son of God.

“4. He is properly the Son of God, by whom God made the worlds.

“Who was manifest in the flesh.

“Who dwelt in us.

“Whom believers must have, if they have life.

“Whose voice they hear.

“Whose flesh and blood they eat and drink.

“Who is revealed within.

“Who is with his to the end of the world.

“Who filleth all in all.

“Who was before Abraham, abideth for ever, and by whom God speaks to us in these latter days.

“But this cannot be predicated of the outward person, or man, that suffered death, &c.

“*Ergo*, the outward person, or man, is not properly the Son of God.

“Whenever Christ speaks of his death, he calls himself the Son of man.

“The outward person, man, or body, which suffered death, &c. is improperly called the Son of God:

“ 1. Because of his wonderful conception.

“ 2. Because of his miraculous union with the divine Word.

“ 3. Because of his eminent gifts.

“ 4. Because of his miraculous works.

“ 5. By an Hebraism, denoting excellency; as, mountain of God, cedars of God, man of God.

“ If my opponent, notwithstanding the force of these allegations, shall magisterially say, ‘ Whoever denies, that the outward person which suffered, was properly the Son of God, doth thereby actually deny Jesus Christ to be the Son of God:’ let him not think, that his bare assertion, without a full invalidation of these arguments, will for the future be taken notice of by me.”

Barclay, in his Works, page 462, thus replies to an objection: “ But they allege, that Christ took the book of Isaiah, and read out of it, and spake therefrom: and that Peter preached from a sentence of the prophet Joel.

“ I answer, that *Christ and Peter* did it not, but *as immediately acted and moved thereunto by the Spirit of God*, and that without premeditation.”

In Edward Burrough’s Works, page 27, it is said: “ We say, *the saints have their growth up into a perfect man in Christ, as Christ himself had*, and we say also, there are children, and young men, and fathers, as the apostles said.”

In a work of Thomas Zachary, entitled, “ A Word to all those who have been convinced of the Truth,” &c., and who is among the writers cited in Evans’ Exposition, it is said, page 6: “ Then after that I came to see the idolatry of all professors as to *the person Christ*, as to the body, flesh, and blood; and that the faith of most professors went no farther than the veil, the outward, and reached not to *Christ the Saviour*, the life, the arm, and power of God; not to Christ in spirit, but in flesh.”

In William Shewen’s Works, pages 123 and 124, it is said, “ For the life, riches, and enjoyment of a Christian, are inward and hidden; his life is hid with Christ in God, none knoweth it but he that hath it; his conversation is with God in heaven, and his treasure is laid up where he walks and dwells, and where he sits in heavenly places with his saviour Christ Jesus, who is made unto him wisdom, righteousness, sanctification, and redemption. And not only so, but he is come to see what is ‘ the fellowship of the mystery, which from the beginning of the world hath been hid in God:’ he is come to know ‘ the Lord one, and his name one,’ to the ‘ one body, one spirit, one hope, one faith, one baptism,’ one way, one truth, one life, ‘ one God and Father of all, who is above all, through all, and in all.’ This is the blessed end of all the appearances, manifestations, and dispensations, under all the variety of names, and various workings of the one eternal God towards mankind ever since the fall, mentioned throughout the Holy Scriptures, and witnessed to by the true Christian, who really enjoys the end of Paul’s bowing his knees, or prayer

unto the Father of his Lord, his Jesus, and his Christ, of whom the whole family in heaven and earth is named. Ephes. iii."

In a marginal note, referring to the passage just cited, William Shewen observes: "*Not to Jesus the son of Abraham, David, and Mary, saint, or angel, but to God the Father, all worship, honour, and glory is to be given through Jesus Christ,*" &c.

5. Primitive Friends denied the hypostatical union of the divine and human natures in Christ.

Thus, George Whitehead, in his "Christian Quaker," says, in pages 362-3, "But to the question, 'Whether I do not deny his human nature, and glorious hypostatical union?' I answer, 1. That if *hypostatical* signify *substantial*, from *ὡς ἁλῶς* substance, I do confess and own that the Father, the Word, and Holy Spirit are one substance, or that the oneness of substance is applicable to all the three in Heaven; for they are not three substances. And that the Son of God is the brightness of his Father's glory, and the express character of his *ὡς ἁλῶς* substance, (Heb. i. 3) and that therefore the Father and the Son are one substance.

"2. But that either the Son of God doth consist, or is made up, of *human flesh and blood*, or that these and the *divine nature* are one substance, I deny, as contrary to the Son's being the brightness of his glory, and the express character, or image, of his substance. Heb. i. 3. For *human nature* and *divine* are not both one; though still the one hypostasis, or substance, is in all the three divine witnesses in Heaven, whose glorious hypostatical union we never denied. This is further opened in our books, viz. 'The Divinity of Christ,' &c. 'Serious Apology,' part 1, chap. 3. Howbeit, if we cannot own these to be Scriptural language, viz. 1. That Jesus Christ consists of human flesh and bone. 2. That the glorious hypostatical union *consists of a human and divine nature*, or that they are *hypostatically one*, he should bear with us, till he produce us plain Scripture for those positions and words."

On page 326, he says, "As for his terms 'human nature,' and 'glorious unity between the divine and human nature,' (p. 36,) he talks he knows not what, and *beside Scripture language*. The word human is not by the Scriptures applicable to Christ in glory, but originally relates to the earth, and so to the body of man as coming thence. But *Jesus Christ was the Anointed, as he was the Son from the Father's substance*, (which he was before he came in the flesh, or took upon him that body that was prepared for him,) and *the Anointed and Saviour, by the divine power given him*, when in that body upon earth; though more highly exalted or anointed, as ascended far above all heavens, and exalted in the Father's glory. He is the Anointed and Saviour also, as revealed and formed in the saints; (Gal. iv. 19) the Anointed as set up from everlasting; the Anointed both in sufferings and in glory; the Anointed both *as he came in flesh*, and *as coming and revealed in the spirit in his people*. And his name by which life and salvation comes, and is given, is his

divine nature and power, to which his name relates, that is above every other name."

And in his "Light and Life of Christ," pages 34-5, it is said, "We never denied the man Christ, nor that he took upon him flesh, or was born of the virgin according to the flesh, nor did we ever deny Christ to be the Sayiour; but as for those expressions, 'God-man, being born of Mary,' we do not find them in the Scriptures, nor do we read that Mary was the mother of God, but in the pope's canons, articles, &c. Though William Burnet has pretended the Scripture to be his rule, as if he would be exact in squaring his work thereby; here his work is contrary to his rule. Again he says: 'Christ was seen with a carnal eye, and his voice heard with a carnal ear.' Pages 25, 28, 29. Whereas Christ said: 'he that seeth me, seeth my Father also:' now dare he say, that God is such a visible object as may be seen by a carnal eye? surely nothing is obvious to the carnal eye but that which is carnal or outward; but so is not the invisible. But indeed if the body that Christ took upon him in the virgin, and which was afterwards *crucified and put to death*, was *God*, (for he tells of God-man being born of the virgin,) then this would make God visible, and *to die*, when that body was put to death; which were no less than blasphemy; whereas *God was manifest in flesh*, Christ came *in the flesh*, (1 Tim. iii. 1 John iv.) and so *did bear the name Christ as he was in the flesh*."

And on pages 40, 41, it is said, "Ephes. iv. 10. Now 'he that is ascended, is also the same that descended.' 'Now,' say they, (the Quakers,) 'if he that ascended be the same that descended, and he that descended be the Christ, then the body could not be the Christ, because that did not descend, but was taken in the womb of the virgin.'

"I add, if he means by 'body,' that which consists of flesh, blood, and bones, such a one was prepared for him, Heb. x. But that *He*, viz. Christ, did not consist of that which was mortal; neither did his flesh, which is the bread from above, see corruption."

Again, page 42: "But his telling, 'as he was very God-man, so the manhood suffered; and the act was ascribed to the Godhead.' This is confusion and contradiction to the former, that God did not suffer; but such kind of muddlement our opposer is willing to please himself with."

George Fox, *Doctrinals*, pages 1006, 1007, says:—"Now whereas the emperor of the Turks saith, 'That he is commander and guardian of the Christian's crucified God.' Now in this he is mistaken; for the eternal, incomprehensible, invisible, everlasting God, whose divinity extends throughout the whole earth, who is God in heaven above, and in the earth beneath, to whom all nations are but as the drop of a bucket; this is the true Christian's God, whom they serve and worship in his spirit and truth, which the Jews did not crucify, nor could they crucify; and it is blasphemy for the Jews, or any to say, that they did crucify the true Christian's eternal invisible God; and great ignorance for any to say, that the true

istian's God was crucified, or that the eternal, incomprehensible, mortal God, the Creator of all, who is the God of the spirits of all, and the breath of all mankind is in his power, so that poor fools, or externals should say, think, or imagine, that the eternal, visible, everlasting, immortal, incomprehensible God was, or can be crucified, which they cannot comprehend, which is the true Christian's God."

Jesus of Nazareth, a man approved of God by miracles, wonders, signs *which God did by him*, this *Jesus the son of Mary*, the man with their wicked hands did take, crucify, and slay; but it was he who loosed the pangs of death, because it was not possible he should be holden of it; and though the Jews did crucify Jesus, slew him, and hanged him on a tree, yet God hath raised him up the third day, and God hath exalted him at his right hand, to be a King and a saviour, to give repentance, &c. and forgiveness of sins. So Christ's apostles were witnesses, how God raised him from the dead. So you may see here, *it was not God that was crucified and died*, for he raised Christ from the dead on the third day, and showed him openly to his apostles, and they did eat and drink with him after that God had raised him up from the dead."

William Penn, in his Works, vol. ii. p. 161, says: "But their admirable secret of all is, that God descended with his body in the shape of a man, and dissolved himself into the virgin's womb, so brought forth himself a man, who after he had lived to such an age, was crucified, and really died, or ceased to be either God or man for three days and nights. T. S. T. p. 23 to 30.

That this is in three particulars highly inconsistent with Scripture I prove,

First, God did not so transmute his divine nature into fleshly and mortal nature.

1. 'Your father Abraham rejoiced to see my day: then said the angels unto him, Thou art not yet fifty years old, and hast thou seen me? Jesus said unto them, Verily, verily, I say unto you, before Abraham was, I am.' John viii. 56, 57, 58.

If that which was before Abraham, and yet then in being the angels, was God, as none that own the Scriptures do deny; then because that outward visible body was not before Abraham, that was not God. The first all grant, the second none reasonably doubt; for he was crucified about the three and thirtieth year of his life.

then I hope none will believe the eternal deity was transmuted, or transubstantiated into that visible body; for so Christ's answer would not have been true: for that mortal body, which, say Reeve and Muggleton, was the eternal God, had a beginning, and was of an age the Jews said it to be.

2. 'Whose are the fathers, and of whom as concerning the flesh Christ came, who is over all, God blessed for ever.' Rom. ix. 5.

If Christ, as concerning the flesh, was not God, as the text manifestly implieth, (by a distinction betwixt his appearance in that body and flesh, and his divine essence or being, with their originals,) then

that fleshly body was not God, or the eternal God *was not substantially transmuted into that fleshly body.*"

And page 163: "Therefore it was not the eternal deity that suffered death, but the body of outward flesh, subjected to all those natural passions of heat, cold, hunger, thirst, life, and death, (as ours are, sin only excepted,) which the eternal infinite Creator had provided, through which to manifest his everlasting wisdom, counsel, and mercy for the redemption of mankind.

"That these three branches of this sottish opinion are all of them greatly repugnant to that understanding God has afforded men to measure and distinguish things by, I prove:

"First, It was impossible for God to transubstantiate himself from an immortal deity to a mortal man.

"1. It must suppose God's begetting himself, which is absurd and impossible: since being begotten, supposeth him to have had a beginning, (that gave beginning to all;) and to beget, supposeth him to have been before he was begotten, and so before he was.

"2. Such as is the begetter, such must the begotten be. We see, men get men; horses, horses; fish, fish; and every seed hath its own body, as say Reeve and Muggleton; then, by good consequence, the immortal God must have begotten himself an immortal God, one that could not die by the hand or cruelty of his own creature.

"3. It is as impossible for God to become a creature, or to dissolve his own infinite, immortal, eternal nature into a finite, mortal, created or generated nature; as for a mortal created nature to be refined, preferred, and transmuted into an infinite, immortal, creating nature. In short, it is as impossible for God, as God, to become a dying man, as for a dying man to be changed into an immortal eternal God; they are reciprocally impossible and blasphemous."

6. They denied the doctrine of the trinity to be a *fundamental*.

Thus, Isaac Penington, in the first volume of his Works, pages 265, 266, says: "Now whereas they call this a fundamental, we do not find it so called in Scripture; nor do we find the disciples themselves understanding therein, but knew not the Father. John xiv. 8, 9. And Christ going about to inform them, does not tell them of another distinct being or person: but 'hast thou not seen me?' And 'believest thou not that I am in the Father, and the Father in me?' ver. 10. And so the believers at Ephesus had not so much as heard there was an Holy Ghost. Acts xix. 2. So that if ye will make this a fundamental truth, yet *it is such a fundamental as true faith did stand without*, both in believers before Christ's death, and in believers after. This is the great fundamental, 'that God is light, and in him is no darkness at all,' 1 John i. 5, and the great work of the ministry is to show men where this light is, and to turn men from the darkness, wherein is the power of Satan, unto this light, wherein is the power of God. Acts xxvi. 18. And he that comes into this light, and into this power, is owned in the light and in the power, *wherein is the life of all the saints, and the true fellowship*

both with the Father and the Son, and one with another. John i. 3, 7. And the true trial of spirits is not by an assent to doctrines, (which the hypocrite may assent to on the one hand, and the true believer may startle at on the other hand,) but by feeling of them in the inward virtue of the light, in the spirit, and in the power. This was the apostle's way of trial. 1 Cor. iv. 19, 20. 'I will know, not by the speech of them which are puffed up, but the power; for the kingdom of God is not in word, but in power.' A man may speak high words concerning the kingdom, and get all the doctrines about it, and yet be a stranger to it, and quite ignorant of the power; and another may want divers doctrines concerning it, (perhaps some of those which men call fundamentals,) and yet be a citizen of it, and in the power. But now, under the antichristian apostacy, *men wanting the feeling of the life and power*, wherein the true judgment is, they *own or disown one another upon an assent or dissent to such and such doctrines*, and so fall into this great error of *disowning many whom Christ owns*: and if they find persons not assent to, or dissenting from, any of those things which they call fundamentals, then they think they may lawfully *excommunicate and persecute them*. So, by this mistake, they cut off that which is green; they persecute that wherein is the living sap, and cherish the dry and withered. That which is most tender towards God, and most growing in the inward sensibleness, (which causeth it to startle at that which others so easily swallow,) *lies most open to suffering by this kind of trial.*"

Now, I have not given these views for the purpose of showing that are the doctrines of Stacy Decow, or of those whom he represents: but for the purpose of showing the views of many of the primitive Friends, and the diversity of opinion that existed among them on these points. I do not deny that the opposite party may find in the books from which I have quoted, or from those of other approved writers, some views similar to their own; but this will not prove that such views or opinions were regarded as fundamental. It is strong proof to the contrary; because these views and opinions were entertained, and freely preached and published by those who were in constant communion, and seem never to have excited even a passing remark. Full of controversy as they were when attacked by others, and zealous to maintain and vindicate their faith, you find no controversy between Barclay and Fox, or any of the other eminent and pious fathers of the primitive church, on account of sentiments and opinions on the subject of the trinity, contrary or repugnant to each other. No bulls or testimonies of disownment were fulminated by brother against brother, who walked in the path of righteousness, and manifested the purity of his faith by the purity of his life. They incurred in believing the Scripture text, "there are three that bear record in Heaven," &c.; in other words, they believed in the Scriptures. But they did not regard any particular explanation of the Scripture texts as fundamental. We do not hear that any of the primitive Friends

were called to account for the views they expressed on this question. We do not hear of George Fox having been called to account, or dealt with, for what he expressed on this question. We do not hear that Isaac Penington was ever dealt with for what he said. How is it possible, if this is a fundamental doctrine of the society of Friends, that none of these ancient and approved writers were dealt with, for expressing the opposite opinions? It was only because no particular exposition of the doctrine of the three that bear record, was insisted upon by the society, and their detestation and horror of *an ordered faith or church-made creed*.

So in regard to the doctrine of ATONEMENT. All believed in the scriptural texts in relation to this consoling doctrine, however they may have differed in some of their views as to the way in which the atonement was effected. The views entertained by the primitive Friends generally, on this point, may be thus summed up.

7. They believed that the atonement is a *real* work of divine power in the mind of man, being nothing other than the restoration of man to a state of favour and friendship with his Creator, by the removal of a rebellious disposition; or, in other words, by the breaking down of the partition wall of sin and transgression, which, and which only, has ever separated between man and his God. Hence, by resigning himself to the divine government, man experiences the at-one-ment, is reconciled or set *at one* with his God, without any other consideration than the *free love and mercy of God*, and a *fitness* on the part of man to receive the blessing. They believed that the great end and design of the mission of the blessed Jesus, was to bring about this state of reconciliation between "man offending and God offended." That all he did and suffered in the accomplishment of his mission was for the sake of mankind, (that they might forsake the evil of their ways and be happy,) and that it was a *declaration* or *manifestation* of the love and kindness of God, and of his disposition to save them. That in his sufferings and death he was an offering and a sacrifice well pleasing to God: that he died for, or on account of, the sins of the whole world. But not to make God merciful, or to induce him to save men, as being otherwise unwilling, except only *in so far* as his mission and testimony, and the confirmation of that testimony by his sufferings and death, should operate as an *instrumental* cause to change the minds of men, and bring about in them that state of obedience to which God is, and ever has been, propitious; and that in no other sense can it be said "that through his sufferings, death, and resurrection, he *atoned* for the sins of men." Thus, they believed that Christ was not the *cause*, but the *effect* of God's love, the gift and expression of it: that "God was in Christ reconciling the world unto himself." That, as regards the atonement, *repentance* and *reformation* are *antecedent*, not *consequential*. They accordingly discarded, most unhesitatingly and entirely, the doctrine of imputative righteousness, or that we are justified in the sight of God, "by the imputation of that righteousness of Christ long since performed

personally," (or in the person of Jesus,) otherwise than as we come to experience it in *our own persons*, by a like obedience to the manifested will of God; even as Jesus declared, "If ye keep my commandments, ye shall abide in my love, even as I have kept my Father's commandments and abide in his love."

They believed that, notwithstanding whatever may be attributed to the outward, (or to what Jesus did outwardly,) as "the remote procuring cause" of that penitent state of mind, in consideration of which God exercises his free love and mercy in forgiving past sins, that, strictly speaking, it is "God that worketh all in all;" that his power dispensed to man, is man's only Saviour and Redeemer, agreeably to his own positive declaration: "Beside me there is no Saviour." That this power, which is Christ, "the light which lighteth every man that cometh into the world," as it is "let into the heart, atones, mediates, and reinstates man" in purity and favour with his God. Thus, according to its various operations on the soul of man in effecting his redemption, it is spoken of under a variety of names, and as sustaining various offices. These names are mostly figures of speech derived from the outward world, and many of them from the peculiar customs and practices under the law of Moses, and some from circumstances in the life of the man Jesus. Thus it is called "the light," "the life," "the word," "the word of reconciliation," the "unction from the Holy One." And as, according to the phraseology of the law, "the blood was the life," and "without the shedding of blood (outward) there was no remission of sins," or offences against that law; and as the new covenant, or dispensation of Christ, comprehends, and is constituted of, the spiritual realities to which the legal figures pointed, so this divine power is called "the blood of Jesus," "the blood of Christ," "the blood of the new and everlasting covenant," "the blood of sprinkling," &c.; and thus it is said by the apostle, "If we walk in the light, as God is in the light, then have we fellowship one with another, and *the blood* of Jesus Christ, his Son, *cleanses* us from all sin."

In confirmation of these views, I will take the liberty here of reading a passage from George Whitehead's *Nature of Christianity*. On pages 8 and 9, he says: "And now, because those terms in Scripture, relating to Christ and his works, are misunderstood and perverted by many professors and priests, as this man hath done, I shall state them with the natural and simple sense thereof, as followeth, viz.

"*Jesus*, a Saviour, who saveth from sin, of whom it was said, 'Thou shalt call his name Jesus, for he shall save his people from their sins.' Matt. i. 21.

"*Christ*, is anointed; for he was anointed with power from on high.

"*Propitiation*, a sacrifice well pleasing, which is to *purge away* *iniquity*, and (in Scripture sense) to make nigh to God,* and which im-

* Propitio ex pro et pio (non impio) propitius ex propé et ito.

ports *forgiveness, reconciliation, favour, mercy, kindness, &c.* as *propitious* is *favourable, merciful, &c.*

“*Sacrifice*, an oblation or offering which is to consecrate or *make holy*.

“*Reconciliation*, an agreement, a peace-making between them that have been friends and afterwards foes, a setting at one.

“*Covenant*, an accord, agreement, a contract, a treaty, a condition, &c.

“*Atonement*, peace, quietness, &c. between them that are reconciled, or in mutual friendship.

“*Redemption*, a ransoming, buying again, rescuing, or recovering such as were under bondage, or sold under slavery.

“*Salvation*, a saving, preserving, or making safe from the hand of the enemy, destroyer, or oppressor, &c.

“*Imputation*, an ascribing, attributing to, laying to the charge of, or an accounting, reckoning, or thinking.

“*Justification*, a making righteous, just, upright, virtuous, good, perfect, &c. And also, an adjudging, pronouncing, and sentencing one that is *made righteous*, to be so.

“Now if professors come not to feel and experience these things, or works of Christ, fulfilled within them, they are but mere empty professors and talkers of them, without the true life and power of Christianity and true religion.”

And on pages 6 and 7, he says: “Now though plenteous redemption, salvation, and peace, were in being in Christ for us, while enemies; and that God commended his love towards us, in that while we were sinners Christ died for us, ver. 8, which doth explain the intent of the words, ‘if when we were enemies, we were reconciled to God by the death of his Son,’ &c. yet it is not the nature of reconciliation, for men to be enemies to God. I appeal to the conscience of R. G. and all other professors, whether enmity and reconciliation do not differ? and whether, while persons are at enmity, they be actually reconciled? Though while we were enemies, we were reconciled, by the death of his Son, intentionally on God’s terms, but not actually in ourselves till the enmity was slain in us; as God, with reference to this purpose, speaks to Abraham, ‘I have made thee a father of many nations,’ before he was actually so made, (for Paul, &c. Rom. iv. 17, and refers to the prophecy of Zacharias, Luke i. 67, 68.) Now though this ‘redeemed’ be spoken of as a thing done, yet it was spoken of in the prophecy of *Christ, the horn of salvation*, whose *salvation* is *deliverance and preservation* out of the hands of our enemies, that we may serve him,” &c.

Again: “The words *purchased* and *redemption* are used by R. G. in an unscriptural sense, while he doth so nonsensically render it as ‘*God-man having purchased all of God without*,’ and so *justified man*, when no good is wrought in him by the spirit of God; and as if *Christ’s works without were the previous purchasing cause of the love of God*; and also states man’s justification and redemption

is only without, and *preceding the work of the spirit within*. Whereas, *redeeming from all iniquity and bondage*, under which man was sold, is not wrought without the operation of the spirit of God within, but it is a work to be fulfilled within, where sin and bondage have ruled. And being washed, sanctified, and justified by the spirit, are placed in their proper order, 1 Cor. vi. 11; *sanctified being placed before justified.*"

And again, pages 18, 19: "R. G. 'I say, that the works wrought in us by Christ in his crucified body, is the first mystery, the *foundation of all our mercies*, the ground of *the possibility of having any works wrought in us by the spirit of God*, tending to our being made like unto him.'

"Answer. The ground and cause of all our mercies is the infinite love of God, in which he sent his Son, whose works for us and example to us, were *effects and tokens* of the love of God to man, and *not the ground and purchasing cause thereof*, (nor as by way of payment and rigid satisfaction to vindictive justice, as *Presbyters* hold it,) as if Christ were more kind to man, and his love more infinite than his Father's, which is blasphemous; like some of the popish priests that said, 'the Son was better than the Father.' And what doth thy doctrine imply, than that the Son's works, wrought without us, are *the previous procuring, purchasing cause of the love of God to us while sinners*, p. 22. On this erroneous stuff depends much of thy book. Thou mightst as well say that God and his love had a beginning, or were inferior to the man Christ, as that Christ's works without were the previous (or foregoing) cause of God's love to us! How, then, is his love infinite in itself, and *free us*, and *the cause of sending his son*? John iii. 16. And darest thou say that God had not love to mankind before he sent his Son in the flesh? or that the love of God was not the previous cause of his sending his Son, and of Christ's testimony and works in the days of his flesh?"

Whitehead, in his *Light and Life of Christ*, pages 48 and 49, says: Baptist. 'The Galatians crucified to themselves Christ afresh, by looking back from Christ, to be justified by their own merits.' Gal.

"Answer. They crucified Christ, by disobeying the truth, and turning from the Spirit, or Light within, wherein they once began well; wherefore it was said to them: 'Are ye so foolish, having begun in the spirit, are ye now made perfect in the flesh?' (Gal. iii. 1, 3). So they that oppose the Light within, and deny the Spirit within, are but still in the flesh partaking of the same foolishness, and therefore there must be a travail known before Christ be formed in them. And whereas we are accused with 'denying that blood let forth, to be any way meritorious to salvation.' Page 37. I ask, whether anything is of eternal merit and worth that is not everlasting? And where do the Scriptures use those expressions, and so much vary out the blood of Christ, as one while to say that the shedding that

blood outwardly was the *meritorious cause* of salvation; another while the word 'shedding' to be left out, and the stress laid only upon that blood itself, which the soldier shed or let out of his side with a spear, which was after he was put to death. John xix. 33, 34. But then of what effect were the drops of blood that fell from him in his agony? Another while, *it is the body that was crucified, and not the spirit within that saveth*; for the Spirit, Light, and Word within is denied to be the Saviour, by this our adversary, who does not know how to state his own faith and principles, who in page 39, accuses us with 'gross mistake, mere fables, and vain titulations,' for saying, 'that the blood that sprinkles the conscience, cleanseth from sin, sanctifieth, &c. is the life, or is of the Spirit: and that it is the blood of the covenant,' &c.

"Answer. Here is no mistake nor fables proved against us, for the Spirit, the water, and the blood agree in one; and by walking in the light is the blood of Christ known to cleanse from all sin. Now the blood that sprinkles the conscience, cleanseth, &c. is as truly spiritual as the water is, which Christ giveth, and by which he washeth his church through the Word. For we are not to suppose two kinds of Saviours and sanctifiers; that is, both a natural, (which is not in being, as is said of the blood that was shed,) and the Spirit which still liveth. And though Christ, that he might sanctify the people with his own blood, suffered without the gates, (Heb. xiii.) I hope it will not be *denied but this work of sanctification is wrought and fulfilled within by the Spirit*, and that *sprinkling and purging the conscience is inward*; and then, where the blood is said to do it, *that must needs be spiritual*; for surely the blood shed outwardly must needs have a spiritual signification, as well as the water and the cross had: and the apostle attributes washing or sanctifying, to water as well as blood.

"Again, it is confessed, page 35, 'that God by his own blood purchased to himself a church.' Acts xx. 28. Now the blood of God, or that blood that relates to God, must needs be spiritual, he being a spirit; and the covenant of God is inward and spiritual, and so is the blood of it."

Again, on page 34: "The Quakers see no need of directing men to the type for the antitype, viz. neither to the outward temple, nor yet to Jerusalem, either to Jesus Christ, or his blood; knowing that neither the righteousness of faith, nor the word of it, doth so direct. (Rom. x.) And is it the Baptists' doctrine to direct men to the material temple, and Jerusalem, the type for the antitype? what nonsense and darkness is this! and where do the Scriptures say, the blood was there shed for justification, and that men must be directed to Jerusalem to it? (whereas that blood shed is not in being, p. 40) but the true apostle directed them to the Light, (which is so much opposed by the Baptists,) to walk in the Light for the blood of Jesus Christ to cleanse them from all sin, (1 John i.) And he died for our

us, but rose again for our justification; which resurrection surely *was after the shedding of the blood outwardly.*"

Again, pages 41, 42: "Baptist. 'Which Word was God, yet he was not a Saviour as he was the Word or Creator of the world, any otherwise than he was held forth in the promise.'

"Reply. How then doth he say, 'I am God, a Saviour, besides whom there is none other?' And what is he saving his people from, but from sin? and was not this God's real work throughout all the generations of the righteous? and did not God say, 'Surely they are my people, children that will not lie; and so was he their Saviour.' *Isa. lxi. 8.* And did not God say, 'Look unto me all ye ends of the earth, and be ye saved, for I am God?' And was it not God that Christ was reconciling the world, and that established them in Christ, and anointed them? *2 Cor. i. 21. ch. v. 19.*"

Again, pages 51, 52: "Baptist. 'All things under the law, in the type, were purged with blood, and this blood was material blood, and not mystical; and that blood that Christ shed in order to the effecting the salvation of man, must needs be visible and material blood.'

"Answer. Do but mark here what a sad consequence he has drawn; if one should reason, that because the type was material, visible, and not mystical, therefore the antitype or substance must needs be material, and not mystical. By this, all mysteries or divine things are excluded from being either spiritual, antitype, or substance, whereas *was* the heavenly things themselves that are in Christ, in which *consists* the substance and end of types and shadows. But to say that material blood was a type of that which was material, is to give the substance no pre-eminence above the type, (especially if neither of them be mystical, nor in being,) or like as if one should say, one type as a type of another; as to say, because circumcision, which was a type, was material or outward, therefore the circumcision of the spirit, which is the antitype of it, must needs be outward too, and not mystical, which would be sad doctrine. And thus he might as well reason touching all other types and shadows under the law, and the heavenly good things to come, prefigured or shadowed by them, that because the priests under the law, at the outward tabernacle and temple, were ministers of outward or temporal things, carnal ordinances, shadows, and therefore those good things to come, those heavenly things which Christ was said to be the high priest of, must needs be temporal, and not mystical, which were absurd to assert. Whereas, both the heavenly and more perfect tabernacle and altar, with the heavenly things, are all a mystery, and spiritual; the offering and living sacrifices are spiritual; the passover spiritual; the seed spiritual; the bread, the fruit of the vine, the oil, the flesh, and the blood, which give life to the soul, yea, the water and blood, which wash and sprinkle the conscience, are all spiritual and mysterious, as the new covenant itself, which they belong to, and these things known in; and this is the

new and living way which Christ set open, through the veil of flesh. Heb. x. Let them receive this who can.

“And this may answer that question, Wherever did God attribute the name of blood to spirit? Whereupon I may ask as well, if name of water was never attributed to the spirit? See John vii. 39. And whether the blood of God, and of the new covenant, be spiritual? If not, how is it called his own blood? Acts xx. 28. And is not the new covenant spiritual, viz. the law written in the heart and the spirit in the inward parts? If it be, surely the blood of God must be spiritual too.”

William Penn, in the first volume of his Works, pages 573 and 574, gives his views on this subject, as follows: “Having considered the third part of this great objection, I am now come to what chiefly stumbles the people, with respect to the Light within, at least, as I apprehend, and that in this fourth and last particular, viz. ‘But if light in every man be Christ, how doth it bear our sins, and are our iniquities laid upon it? and how can we be said to be justified, deemed, or saved by its blood, since all these things are spoken of by the holy penmen of the man Christ, or Jesus born at Bethlehem? Surely you wholly invalidate his life, death, resurrection, ascension, and mediation, by this belief of yours in the light within.’

“This I take to be the very stress of the matter, collected out of the most forcible writings of our adversaries; to which I answer, let him that reads understand.

“It must be considered, in this last part of the objection, how the questions can be applicable to the light, and yet be reconcilable with those Scriptures that seem to attribute all to his bodily suffering. I hope to make appear, that as we exalt the first, so we dare not use any means to slight the last.

“The Light, or rather he that is light in man, for so I have always desired to be understood, (light being a metaphor, or a word taken from the outward day, and chiefly so termed, because of man’s darkness, which is thereby discovered,) hath been according to Scripture as a ‘lamb slain since the foundation of the world.’ That is, the world had not been long created, before man being envied by Lucifer the fallen angel, was betrayed of his innocency by him; and sin, disobedience, prevailing, the light or principle of life, under whose holy leadings man was placed, became resisted, grieved, and at last were slain, (which word slain is also metaphorical.) That is to say, the innocent pure life was, as it were, wounded unto death, through disobedience; and that lamb-like image, in which Adam was created by him through rebellion lost. Thus that holy principle, which was placed in the heart of Adam, in which was true light, life, and power to bore the sin, was pressed under it, as a cart under sheaves, grieved exceedingly, and as it were, quenched with iniquity.

“This hath been the condition of that precious and elect seed, spirit, light, life, truth, or whatever name, equivalent, any may please give it, ever since that first rebellion, to this very day. And as

wicked men, God's holy light and spirit, or that principle which is so called, hath been deeply wounded, yea, as one slain, so in good men, that have had a sense of the world's abomination, hath it also borne many burdens and weights; for the light and life is one in all, though not treated alike in all. And those who have been reformed by it, and joined to it, have been as one spirit, and have not been without their share of the Lord's heavy sufferings, from the ungodly world; which was as well a filling up of Christ's sufferings that were before his outward coming, as what to this generation are yet behind to be completed.

“And as at any time disobedient men have hearkened to the still voice of the Word, that messenger of God in their hearts, to be affected and convinced by it, as it brings reproof for sin, which is but a fatherly chastisement; so upon true brokenness of soul and contrition of spirit, that very same principle and Word of life in man has *mediated and atoned*, and God has been propitious, lifting up the light of his countenance, and replenishing such humble penitents with divine consolations. So that still the same Christ, Word-God, who has lighted all men, is by sin grieved and burdened, and bears the iniquities of such as so sin and reject his benefits: but as any hear his knocks and let him into their hearts, he first wounds, and then heals; afterwards he atones, mediates, and reinstates man in the holy image he is fallen from by sin. Behold, this is the state of restitution! And this in some measure was witnessed by the holy patriarchs, prophets, and servants of God in old time, to whom Christ was substantially the same Saviour, and seed bruising the serpent's head, that he is now to us, what difference soever there may be in point of manifestation.

“But notwithstanding it was the same light and life with that which afterwards clothed itself with that outward body, which did in measure inwardly appear for the salvation of the souls of men, yet, as I have often said, never did that divine life so eminently show forth itself, as in that sanctified and prepared body: so that what he then suffered and did in that transcendent manifestation, may, by way of eminency, have the credit of the whole work unto itself that he ever did before, or might do afterwards for man's salvation. For doubtless the very same light, life, and power, which dwelt in that fleshly tabernacle, eminently was the convincer, condemner, saviour, and redeemer: yet not only as confined to that blessed body, but also as revealed in the hearts of men; as he was in Paul, who, not consulting with flesh and blood, against the Lord of glory, did willingly receive him in, to bind the strong man, spoil his goods, and cast him out, that he might reign whose right it was. And that the divine life, light, spirit, nature, or principle, which resided in that body, was the efficient cause of salvation, observe the title that is given him, from the great work he was to do, namely, ‘To save his people from their sins;’ there is not one word of wrath, but consequentially. Now, since that sin is in the heart and conscience of mankind, *nothing but*

a divine light, spirit, or power, can reach and convey purity into those inward parts, and consequently that must be the Redeemer and Saviour from sin. But indeed, those who have a mind to naturalize that strange figure into the language of the holy Truth, I mean, that to be saved, is only to be saved from wrath, and not from sin, whose assured wages is wrath, may have some interest, though no reason for their implacable enmity against an inherent holiness."

In his able treatise, "Sandy Foundation Shaken," already referred to, he discusses the subject at large, from page 255 to 264, viz.

"The vulgar doctrine of satisfaction, being dependent on the second person of the trinity, refuted from Scripture.—*Doctrine.* 'That man having transgressed the righteous law of God, and so exposed to the penalty of eternal wrath, it is altogether impossible for God to remit or forgive without a plenary satisfaction; and that there was no other way by which God could obtain satisfaction, or save men, than by inflicting the penalty of infinite wrath and vengeance on Jesus Christ the second person of the trinity, who for sins past, present, and to come, hath wholly borne and paid it, (whether for all, or but some, to the offended infinite justice of His Father.'

"1. 'And the Lord passed by before him, (Moses,) and proclaimed The Lord, the Lord God, merciful and gracious, keeping mercy for thousands, forgiving iniquity, transgression, and sin.' From whence I shall draw this position, that since God has proclaimed himself gracious, merciful, and forgiving God, it is not inconsistent with his nature to remit, without any other consideration than his own love otherwise he could not justly come under the imputation of so many gracious attributes, with whom it is impossible to pardon, and necessary to exact the payment of the utmost farthing.

"2. 'For if ye turn again to the Lord, the Lord your God is gracious and merciful, and will not turn away his face from you.' When how natural is it to observe that God's remission is grounded on their repentance; and not that it is impossible for God to pardon, without plenary satisfaction, since the possibility, nay, certainty of the contrary, viz. His grace and mercy, is the great motive or reason, and that loving invitation to return.

"3. 'They hardened their necks, and hearkened not to thy commandments; but thou art a God ready to pardon, gracious and merciful.' Can the honest-hearted reader conceive, that God should thus be mercifully qualified, whilst executing the rigour of the law transgressed, or not acquitting without the debt be paid him by another? I suppose not.

"4. 'Let the wicked forsake his way, and the unrighteous man his thoughts, and let him return unto the Lord, and he will have mercy upon him, and to our God, for he will abundantly pardon.' Come let the unprejudiced judge, if this Scripture doctrine, is not very remote from saying his nature cannot forgive sin, therefore let Christ pay him full satisfaction, or he will certainly be avenged; which is the substance of that strange opinion.

“5. ‘Behold the days come, saith the Lord, that I will make a new covenant with the house of Israel; I will put my law in their inward parts; I will forgive their iniquity, and I will remember their sin no more.’ Here is God’s mere grace asserted, against the pretended necessity of a satisfaction to procure his remission; and this Paul acknowledgeth, to be the dispensation of the gospel, in his eighth chapter to the Hebrews. So that this new doctrine doth not only contradict the nature and design of the second covenant, but seems in short, to discharge God, both from his mercy and omnipotence.

“6. ‘Who is a God like unto thee, that pardoneth iniquity, and passeth by the transgression of the remnant of his heritage? He retaineth not his anger for ever, because he delighteth in mercy.’ Can there be a more express passage to clear, not only the possibility, but real inclinations in God to pardon sin, and not retain his anger for ever; since the prophet seems to challenge all other gods, to try their excellency by his God: herein describing the supremacy of his power, and superexcellency of his nature, that ‘he pardoneth iniquity, and retaineth not his anger for ever.’ So that if the satisfactionists should ask the question, Who is a God like unto ours, that cannot pardon iniquity, nor pass by transgression, but retaineth his anger until somebody make him satisfaction? I answer, Many among the harsh and severe rulers of the nation; but as for my God, he is exalted above them all, upon the throne of his mercy, ‘who pardoneth iniquity, and retaineth not his anger for ever, but will have compassion upon us.’

“7. ‘And forgive us our debts, as we forgive our debtors.’ Where nothing can be more obvious, than that which is forgiven, is not paid. And if it is our duty to forgive our debtors, without a satisfaction received, and that God is to forgive us, as we forgive them, then is a satisfaction totally excluded. Christ farther paraphrases upon that part of his prayer, ver. 14. ‘For if ye forgive their trespasses, your heavenly Father will also forgive you.’ Where he as well argues the equity of God’s forgiving them, from their forgiving others, as he encourages them to forgive others, from the example of God’s mercy, in forgiving them. Which is more amply expressed, chap. xviii. where the kingdom of heaven, (that consists in righteousness,) is represented by a king, ‘who upon his debtor’s petition, had compassion, and forgave him; but the same treating his fellow-servant without the least forbearance, the king condemned his unrighteousness, and delivered him over to the tormentors.’ But how had this been a fault in the servant, if his king’s mercy had not been proposed for his example? How most unworthy therefore is it of God, and blasphemous, may I justly term it, for any to dare to assert that forgiveness impossible to God, which is not only possible, but enjoined to men.

“8. ‘For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.’ By which it appears, that God’s love is not the

effect of Christ's satisfaction, but Christ is the proper gift and effect of God's love.

" 9. 'To him give all the prophets witness, that through his name, whosoever believeth in him, shall receive remission of sins.' So that remission came by believing his testimony, and obeying his precepts, and not by a strict satisfaction.

" 10. 'If God be for us, who can be against us? He that spared not his own Son, but delivered him up for us all.' Which evidently declares it to be God's act of love, otherwise, if he must be paid, he should be at the charge of his own satisfaction, for he delivered up the Son.

" 11. 'And all things are of God, who hath reconciled us to himself by Jesus Christ, and hath given to us the ministry of reconciliation, to wit, that God was in Christ, reconciling the world to himself, not imputing their trespasses unto them.' How undeniably apparent is it, that God is so far from standing off in high displeasure, and upon his own terms, contracting with his Son for a satisfaction, as being otherwise incapable to be reconciled, that he became himself the reconciler by Christ, and afterwards by the apostles, his ambassadors, to whom was committed, the ministry of reconciliation.

" 12. 'In whom we have redemption through his blood, the forgiveness of sins, according to the riches of his grace.' Now what relation, satisfaction has to forgiveness of sins, or how any can construe grace, to be strict justice, the meanest understanding may determine.

" 13. 'But the God of all grace, who hath called us unto his eternal glory, by Christ Jesus.' He does not say that God's justice, in consideration of Christ's satisfaction, acquitted us from sins past, present, and to come, and therefore hath called us to his eternal glory; but *from his grace*.

" 14. 'In this was manifest the love of God towards us, because that God sent his only begotten Son, into the world, that we might live through him.' Which plainly attributes Christ in his doctrine, life, miracles, death, and sufferings, to God, as the gift and expression of his eternal love, for the salvation of men.

" 1. In abolishing that other covenant, which consisted in external and shadowy ordinances, and that made none clean as concerning the conscience.

" 2. In promulgating his message, of a most free and universal tender of life and salvation, unto all that believed and followed him, (the light,) in all his righteousness, the very end of his appearance being to destroy the works of the devil, and which every man only comes to experience, as he walks in a holy subjection, to that measure of light and grace, wherewith the fulness hath enlightened him.

" 3. In seconding his doctrines with signs, miracles, and a most innocent self-denying life.

" 4. In ratifying and confirming all (with great love and holy resignation) by the offering up of his body, to be crucified by wicked

ends: who is now ascended far above all heavens, and is thereby become a most complete captain, and perfect example.

“ So that I can by no means conclude, but openly declare, that the scriptures of truth, are not only silent in reference to this doctrine of rigid satisfaction, but that it is altogether inconsistent with the dignity of God, and very repugnant to the conditions, nature, and tendency of that second covenant, concerning which their testimony is clear.

“ The absurdities, that unavoidably follow the comparison of this doctrine, with the sense of Scripture.—1. That God is gracious to forgive, and yet it is impossible for him, unless the debt be fully satisfied.

“ 2. That the finite and impotent creature, is more capable of extending mercy and forgiveness, than the infinite and omnipotent creator.

“ 3. ‘ That God so loved the world, he gave his only Son to save ;’ and yet that God stood off in high displeasure, and Christ gave himself to God as a complete satisfaction to his offended justice. With many more such like gross consequences that might be drawn.

“ Refuted from right reason.—But if we should grant a Scripture-lence, as to the necessity of Christ’s so satisfying his Father’s justice; yet so manifest would be the contradictions, and so foul the repugnancies to right reason, that who had not veiled his understanding with the dark suggestions of unwarrantable tradition, or contracted his judgment to the implicit apprehensions of some overvalued acquaintance, might with great facility discriminate to a full resolution on this point: for admitting God to be a creditor, or he to whom the debt should be paid, and Christ, he that satisfies or pays it on the behalf of man, the debtor, this question will arise, whether he paid that debt, as God, or man, or both (to use their own terms.)

“ Not as God.—1. In that it divides the unity of the Godhead, by two distinct acts, of being offended, and not offended; of condemning justice and redeeming mercy; of requiring satisfaction, and then making of it.

“ 2. Because if Christ pays the debt as God, then the Father and the Spirit being God, they also pay the debt.

“ 3. Since God is to be satisfied, and that Christ is God, he consequently is to be satisfied; and who shall satisfy his infinite justice?

“ 4. But if Christ has satisfied God the Father, Christ being also God, it will follow then that he has satisfied himself, (which cannot be.)

“ 5. But since the Father was once to be satisfied, and that it is impossible he should do it himself, nor yet the Son or Spirit, because the same God; it naturally follows, that the debt remains unpaid, and these satisfactionists thus far are still at a loss.

“ Not as man.—6. The justice offended being infinite, his satisfaction ought to bear a proportion therewith, which Jesus Christ, as man, could never pay, he being finite, and from a finite cause, could

not proceed an infinite effect; for so man may be said to bring forth God, since nothing below the divinity itself, can rightly be styled infinite.

“Not as God and man.—7. For where two mediums, or middle propositions, are singly inconsistent with the nature of the end, for which they were at first propounded, their conjunction does rather augment, than lessen the difficulty of its accomplishment; and this I am persuaded must be obvious to every unbiassed understanding.

“But admitting one of these three mediums possible for the payment of an infinite debt; yet, pray observe the most unworthy, and ridiculous consequences, that unavoidably will attend the impossibility of God’s pardoning sinners without a satisfaction.

“Consequences irreligious and irrational.—1. That it is unlawful and impossible for God Almighty to be gracious and merciful, or to pardon transgressors; than which, what is more unworthy of God.

“2. That God was inevitably compelled to this way of saving men; the highest affront to his uncontrollable nature.

“3. That it was unworthy of God to pardon, but not to inflict punishment on the innocent, or require a satisfaction where there was nothing due.

“4. It doth not only disacknowledge the true virtue and real intent of Christ’s life and death, but entirely deprives God of that praise which is owing to his greatest love and goodness.

“5. It represents the Son more kind and compassionate than the Father; whereas if both be the same God, then either the Father is as loving as the Son, or the Son as angry as the Father.

“6. It robs God of the gift of his Son for our redemption, (which the Scriptures attribute to the unmerited love he had for the world,) in affirming the Son purchased that redemption from the Father, by the gift of himself to God, as our complete satisfaction.

“7. Since Christ could not pay what was not his own, it follows that in the payment of his own, the case still remains equally grievous; since the debt is not hereby absolved or forgiven, but transferred only; and by consequence we are no better provided for salvation than before, owing that now to the Son, which was once owing to the Father.

“8. It no way renders man beholding, or in the least obliged to God, since by their doctrine he would not have abated us, nor did he Christ the last farthing, so that the acknowledgments are peculiarly the Son’s; which destroys the whole current of Scripture-testimony, for his good-will towards men.—Oh the infamous portraiture this doctrine draws, of the infinite goodness. Is this your retribution, O injurious satisfactionists?

“9. That God’s justice is satisfied for sins past, present, and to come, whereby God and Christ have lost both their power of enjoining godliness, and prerogative of punishing disobedience; for what is once paid, is not revokeable; and if punishment should arrest any for their debts, it either argues a breach on God, or Christ’s part, or else that

it has not been sufficiently solved, and the penalty completely sustained by another; forgetting, 'That every one must appear before the judgment-seat of Christ, to receive according to the things done in the body: yea, every one must give an account of himself to God.' But many more are the gross absurdities and blasphemies that are the genuine fruits of this so confidently believed doctrine of satisfaction.

"A Caution.—Let me advise, nay warn thee, reader, by no means to admit an entertainment of this principle, by whomsoever recommended; since it does not only divest the glorious God of his sovereign power, both to pardon and punish, but as certainly insinuates a contentiousness, at least a liberty that unbecomes the nature of that ancient gospel once preached among the primitive saints, and that from an apprehension of a satisfaction once paid for all. Whereas I must tell thee, that unless thou seriously repent, and no more grieve God's holy Spirit, placed in thy inmost parts, but art thereby taught to deny all ungodliness, and led into all righteousness; at the tribunal of the Great Judge, thy plea shall prove invalid, and thou receive thy reward without respect to any other thing than the deeds done in the body. Be not deceived, God will not be mocked; such as thou sowest, such shalt thou reap, which leads me to the consideration of my third head, viz. Justification by an imputative righteousness.

"The justification of impure persons, by an imputative righteousness, refuted from Scripture.—*Doctrine.* 'That there is no other way for sinners to be justified in the sight of God, than by the imputation of that righteousness of Christ, long since performed *personally*; and that sanctification is *consequential*, not *antecedent*.'

"1. 'Keep thee far from a false matter; and the innocent and righteous slay thou not; for I will not justify the wicked.' Whereon I found this argument, that since God has prescribed an inoffensive life, that which can only give acceptance with him, and on the contrary hath determined never to justify the wicked, then will it necessarily follow, that unless this so much believed imputative righteousness, and that effectual influence, as to regenerate and redeem the soul from sin, on which the malediction lies, he is as far to seek for justification before; for whilst a person is really guilty of a false matter, I positively assert from the authority and force of this Scripture, he cannot be in a state of justification; and as God will not justify the wicked, so by the acknowledged reason of contraries, the just he will never condemn, but they, and they only, are the justified of God.

"2. 'He that justifieth the wicked, and he that condemneth the just, even they are both an abomination to the Lord.' It would very opportunely be observed, that if it is so great an abomination for men to justify the wicked, and condemn the just, how much greater would it be in God, which this doctrine of imputative righteousness necessarily does imply, that so far disengages God from the person justified, as that his guilt shall not condemn him, nor his inno-

cency justify him? But will not the abomination appear greatest of all, when God shall be found condemning of the just, on purpose to justify the wicked, and that he is thereto compelled, or else no salvation, which is the tendency of their doctrine, who imagine the righteous and merciful God, to condemn and punish his innocent Son, that he having satisfied for our sins, we might be justified (whilst unsanctified) by the imputation of his perfect righteousness. Oh! why should this horrible thing be contended for by Christians?

“3. ‘The son shall not bear the iniquity of his father; the righteousness of the righteous shall be upon him, and the wickedness of the wicked shall be upon him. When a righteous man turneth away from his righteousness, for his iniquity that he hath done shall he die.’ Again, ‘When the wicked man turneth away from his wickedness, and doth that which is lawful and right, he shall save his soul alive; yet saith the house of Israel, The ways of the Lord are not equal. Are not my ways equal?’ If this was once equal, it is so still, for God is unchangeable; and therefore I shall draw this argument, that the condemnation or justification of persons, *is not from the imputation of another’s righteousness*, but the actual performance and keeping of God’s righteous statutes or commandments, otherwise God should forget to be equal. Therefore how wickedly unequal are those, who not from Scripture evidences, but their own dark conjectures and interpretations of obscure passages, would frame a doctrine so manifestly inconsistent with God’s most pure and equal nature; making him to condemn the righteous to death, and justify the wicked to life, from the imputation of another’s righteousness:—A most unequal way indeed.

“4. ‘Not every one that saith unto me Lord, Lord, shall enter into the kingdom of heaven, but he that doth the will of my Father. Whosoever heareth these sayings of mine, and doth them, I will liken unto a wise man which built his house upon a rock,’ &c. How very fruitful are the Scriptures of truth, in testimonies against this absurd and dangerous doctrine. These words seem to import a two-fold righteousness; the first consists in sacrifice, the last in obedience; the one makes a talking, the other a doing Christian. I in short argue thus: If none can enter into the kingdom of heaven, but they that do the Father’s will, then none are justified, but they who do the Father’s will, because none can enter into the kingdom, but such as are justified. Since therefore there can be no admittance had, without performing that righteous will, and doing those holy and perfect sayings. Alas! to what value will an imputative righteousness amount, when a poor soul shall awake polluted in his sin, by the hasty calls of death, to make its appearance before the judgment-seat, where it is impossible to justify the wicked, or that any should escape uncondemned, but such as do the will of God.

“5. ‘If ye keep my commandments, ye shall abide in my love, even as I have kept my Father’s commandments, and abide in his love.’ From whence this argument doth naturally arise: If none

truly justified that abide not in Christ's love, and that none abide in his love, who keep not his commandments, then consequently none are justified but such as keep his commandments. Besides, there is the most palpable opposition to an imputative righteousness it may be; for Christ is so far from telling them of such a way of being justified, as that he informs them *the reason why he abode in the Father's love, was his obedience*; and is so far from telling them their being justified, whilst not abiding in his love, by virtue of his obedience imputed unto them, that *unless they keep his commands, and obey for themselves*, they shall be so remote from an acceptance, wholly to be cast out; in all which Christ is our example.

“6. ‘Ye are my friends, if ye do whatsoever I command you.’ We have almost here the very words, but altogether the same matter; which affords us thus much: without being Christ's friends, there is no being justified, but unless we keep his commandments, it is impossible we should be his friends; it therefore necessarily follows, that except we keep his commandments, there is no being justified. In short thus: if the way to be a friend, is to keep the commandments, then the way to be justified is to keep the commandments, because none can obtain the quality of a friend, and remain unjustified, or be truly justified, whilst an enemy, which he certainly is, that keeps not the commandments.

“7. ‘For not the hearers of the law are just before God, but the doers of the law shall be justified.’ From whence how unanswerably may I observe, unless we become doers of that law, which Christ came not to destroy, but, as our example, to fulfil, we can never be justified before God; wherefore obedience is so absolutely necessary, that short of it there can be no acceptance. Nor let any fancy that Christ hath so fulfilled it for them, as to exclude their obedience from being requisite to their acceptance, but as their pattern: ‘For unless ye follow me, saith Christ, ye cannot be my disciples.’ And it is not only repugnant to reason, but in this place particularly refuted; for Christ had fulfilled it on our behalf, and we not enabled to follow his example, there would not be doers, but one doer only of the law justified before God. In short, if without obedience to the righteous law none can be justified, then all our hearing of the law, with but a mere imputation of another's righteousness, whilst we are actually breakers of it, is excluded, as not justifying before God. ‘If you fulfil the royal law, ye do well; so speak ye, and so do ye, as they that shall be judged thereby.’

“8. ‘If ye live after the flesh, ye shall die; but if ye through the Spirit do mortify the deeds of the body, ye shall live.’ No man can be dead, and justified before God, for so he may be justified that lives after the flesh; therefore they only can be justified that are alive. From whence this follows, if the living are justified and not the dead, and that none can live to God, but such as have mortified the deeds of the body through the Spirit, then none can be justified but they who have mortified the deeds of the body through the Spirit.

So that *justification does not go before*, but is *subsequential* to the mortification of lusts, and sanctification of the soul, through the Spirit's operation.

“ 9. ‘ For as many as are led by the Spirit of God, are the sons of God.’ How clearly will it appear to any but a cavilling and tenacious spirit, that man can be no farther justified, than as he becomes obedient to the Spirit's leading; for if none can be a son of God, but he that is led by the Spirit of God, then none can be justified without being led by the Spirit of God, because none can be justified but he that is a son of God. So that the way to justification and sonship, is through obedience to the Spirit's leadings, that is, manifesting the holy fruits thereof by an innocent life and conversation.

“ 10. ‘ But let every man prove his own work, and then shall he have rejoicing in himself alone, and not in another. Be not deceived, for whatsoever a man soweth, that shall he reap.’ If rejoicing and acceptance with God, on the contrary, are to be reaped from the work that a man soweth, either to the flesh or to the Spirit, then is the doctrine of acceptance, and ground of rejoicing, from the works of another, utterly excluded, every man reaping according to what he hath sown, and bearing his own burden.’

“ 11. ‘ Was not Abraham our father justified by works, when he had offered Isaac his son upon the altar? Ye see then how that by works a man is justified, and not by faith only.’ He that will seriously peruse this chapter, shall doubtless find some, to whom this epistle was wrote, of the same spirit with the satisfactionists and imputarians of our time, they *fain would have found out a justification from faith in the imputation of another's righteousness*; but James, an apostle of the Most High God, who experimentally knew what true faith and justification meant, gave them to understand from Abraham's self-denying example, that unless their faith, *in the purity and power of God's grace*, had that effectual operation to subdue every beloved lust, wean from every Delilah, and entirely to resign and sacrifice Isaac himself, their faith was a fable, or as a body without a spirit; and *as righteousness therefore in one person cannot justify another from unrighteousness*, so whoever now pretend to be justified by faith, whilst not led and guided by the Spirit into all the ways of truth, and works of righteousness, *their faith they will find at last a fiction*.

“ 12. ‘ Little children, let no man deceive you, he that doth righteousness, is righteous, as God is righteous, (but) he that committeth sin is of the devil.’ From whence it may be very clearly argued, that none can be in a state of justification, from the righteousness performed by another imputed unto them, but as they are actually redeemed from the commission of sin: for, if he that committeth sin is of the devil, then cannot any be justified completely before God, who is so incompletely redeemed, as yet to be under the captivity of lust, since then the devil's seed, or offspring may be justified; but that is impossible. It therefore follows, that as he who doth righteousness,

is righteous, as God is righteous; so no farther is he like God, or justifiable; for in whatsoever he derogates from the works of that faith which is held in a pure conscience, he is no longer righteous or justified, but under condemnation as a transgressor, or disobedient person to the righteous commandment. And if any would obtain the true state of justification, let them circumspectly observe the holy guidings and instructions of that unction, to which the apostle recommended the ancient churches, that thereby they may be led out of all ungodliness into truth and holiness; so shall they find acceptance with the Lord, who has determined, never to justify the wicked.

“Refuted from right reason.—1. Because it is impossible for God to justify that which is both opposite and destructive to the purity of his own nature, as this doctrine necessarily obliges him to do, in accepting the wicked, as not such, from the imputation of another’s righteousness.

“2. Since man was justified before God whilst in his native innocence, and never condemned till he had erred from that pure state; he never can be justified, whilst in the frequent commission of that for which the condemnation came; therefore to be justified, his redemption must be as entire as his fall.

“3. *Because sin came not by imputation, but actual transgression*; for God did not condemn his creature for what he did not, but what he did; therefore must the righteousness be *as personal for acceptance*, otherwise these two things will necessarily follow: First, That he may be actually a sinner, and yet not under the curse. Secondly, That the power of the first Adam to death, was more prevalent than the power of the second Adam unto life.

“4. It is therefore contrary to sound reason, that if actual sinning brought death and condemnation, anything besides actual obedience unto righteousness, should bring life and justification; for death and life, condemnation and justification, being vastly opposite, no man can be actually dead and imputatively alive. Therefore, this doctrine so much contended for, carries this gross absurdity with it, that a man may be actually sinful, yet imputatively righteous; actually judged and condemned, yet imputatively justified and glorified. In short, he may be actually damned, and yet imputatively saved; otherwise it must be acknowledged, that obedience to justification ought to be as personally extensive, as was disobedience to condemnation: in which real, not imputative sense, those various terms of sanctification, righteousness, resurrection, life, redemption, justification, &c. are most infallibly to be understood.

“5. Nor are those words, impute, imputed, imputeth, imputing, used in Scripture by way of opposition to that which is actual and inherent, as the assertors of an imputative righteousness do by their doctrine plainly intimate; but so much the contrary, as that they are never mentioned, but to express men really and personally to be that which is imputed to them, whether as guilty, as remitted, or as righteous. For instance: ‘What man soever of the house of Israel,

killeth an ox, and bringeth it not to the door of the tabernacle, to offer unto the Lord, blood shall be imputed unto that man,' or charged upon him as guilty thereof. 'And Shimei said unto the king, Let not my lord impute iniquity unto me, for thy servant doth know that I have sinned.'

"6. 'But sin is not imputed where there is no law.' From whence it is apparent that there could be no imputation, or charging of guilt upon any, but such as really were guilty. Next, it is used about remission: 'Blessed is the man unto whom the Lord imputeth not iniquity;' or, as the foregoing words have it, 'whose transgression is forgiven.' Where the non-imputation doth not argue a non-reality of sin, but the reality of God's pardon; for otherwise there would be nothing to forgive, nor yet a real pardon, but only imputative, which according to the sense of this doctrine, I call imaginary. Again, 'God was in Christ reconciling the world unto himself, not imputing their trespasses unto them.' Where also non-imputation, being a real discharge for actual trespasses, argues an imputation, by the reason of contraries, to be a real charging of actual guilt. Lastly, it is used in relation to righteousness: 'Was not Abraham justified by works when he offered Isaac?' 'And by works was faith made perfect, and the Scripture was fulfilled, which saith, Abraham believed God, and it was imputed unto him for righteousness.' By which we must not conceive, as do the dark imputarians of this age, that Abraham's offering personally was not a justifying righteousness, but that God was pleased to account it so; since God never accounts a thing that which it is not; *nor was there any imputation of another's righteousness to Abraham*, but on the contrary, his *personal obedience was the ground of that just imputation*; and therefore that any should be justified from the imputation of another's righteousness, not inherent, or actually possessed by them, is both ridiculous and dangerous.—Ridiculous, since it is to say a man is rich to the value of a thousand pounds, whilst he is not really or personally worth a groat, from the imputation of another who has it all in his possession. Dangerous, because it begets a confident persuasion in many people of their being justified, whilst in captivity to those lusts, whose reward is condemnation; whence came that usual saying amongst many professors of religion, 'That God looks not on them as they are in themselves, but as they are in Christ;' not considering that none can be in Christ, who are not new creatures, which those cannot be reputed, who have not disrobed themselves of their old garments, but are still immantled with the corruptions of the old man.

"Consequences irreligious and irrational.—1. It makes God guilty of what the Scriptures say is an abomination, to wit, that he justifieth the wicked.

"2. It makes him look upon persons as they are not, or with respect, which is unworthy of his most equal nature.

"3. He is hereby at peace with the wicked, (if justified whilst sinners,) who said, 'There is no peace to the wicked.'

“4. It does not only imply communion with them here, in an imperfect state, but so to all eternity, ‘For whom he justified, them he also glorified.’ Therefore whom he justified, whilst sinners, them he also glorified, whilst sinners.

“5. It only secures from the wages, not the dominion of sin, whereby something that is sinful comes to be justified, and that which defileth, to enter God’s kingdom.

“6. It renders a man justified and condemned, dead and alive, redeemed and not redeemed at the same time, the one by an imputative righteousness, the other a personal unrighteousness.

“7. It flatters men, whilst subject to the world’s lusts, with a state of justification, and thereby invalidates *the very end of Christ’s appearance*, which was *to destroy the works of the devil*, and take away the sins of the world; a quite contrary purpose than what the satisfactionists and imputarians of our times have imagined, viz. to satisfy for their sins, and, by his imputed righteousness, to represent them holy in him, whilst unholy in themselves. Therefore, since it was to take away sin, and destroy the devil’s works, which were not in himself, for that Holy One saw no corruption, consequently in mankind; what can therefore be concluded more evidently true, than that such in whom sin is not taken away, and the devil’s works undestroyed, are strangers (notwithstanding their conceits) to the very end and purpose of Christ’s manifestation.

“Conclusion, by way of caution.—Thus, reader, have I led thee through those three so generally applauded doctrines, whose confutation I hope, though thou hast run, thou hast read; and now I call the righteous God of Heaven to bear me record, that I have herein sought nothing below the defence of *his unity, mercy, and purity*, against the rude and impetuous assaults of tradition, press, and pulpit, from whence I daily hear, what rationally induceth me to believe, a conspiracy is held by counter plots, to obstruct the exaltation of truth, and to *betray evangelical doctrines*, to *idle traditions*: but God will rebuke the winds, and destruction shall attend the enemies of his anointed. Mistake me not, we never have disowned a Father, Word, and Spirit, *which are one*, but *men’s inventions*. For, 1. Their trinity has not so much as a foundation in the Scriptures. 2. Its original was three hundred years after Christianity was in the world. 3. It having cost much blood; in the council of Sirmium, Anno 355, it was decreed, ‘that thenceforth the controversy should not be remembered, because the Scriptures of God made no mention thereof.’ Why then should it be mentioned now, with a maranatha on all that will not bow to this abstruse opinion. 4. And it doubtless hath occasioned idolatry, witness the popish images of Father, Son, and Holy Ghost. 5. It scandalizeth Turks, Jews, and Infidels, and palpably obstructs their reception of the Christian doctrine. Nor is there more to be said on the behalf of the other two; for I can boldly challenge any person to give me one Scripture phrase which does approach the doctrine of satisfaction, (*much less the name*), considering to what

degree it is stretched. Not that we do deny, but really confess, that Jesus Christ, in life, doctrine, and death, fulfilled his Father's will, and offered up a most satisfactory sacrifice, but not to pay God, or help him (as otherwise being unable) to save men. And for a justification by an imputative righteousness, whilst not real, it is merely an imagination, not a reality, and therefore rejected; otherwise confessed and known to be justifying before God, because there is no abiding in Christ's love without keeping his commandments. I therefore caution thee in love, of whatsoever tribe, or family of religion thou mayst be, not longer to deceive thyself, by the over-fond embraces of human apprehensions for divine mysteries; but rather be informed that God hath bestowed a measure of his grace on thee and me, to show us what is good, that we may obey and do it; which if thou diligently wilt observe, thou shalt be led out of all unrighteousness, and in thy obedience, shalt thou receive power to become a Son of God; in which happy estate God only can be known by men, and they know themselves to be justified before him, whom experimentally to know, by Jesus Christ, is life eternal."

And on pages 530-1, he further gives his views in reference to it: "Thus the beloved disciple testifies very emphatically, in his First Epistle, where he gives us a relation of the apostolical mission: 'This, then, is the message which we have heard of him, and declare unto you, that God is light, and in him is no darkness at all; if we say, we have fellowship with him, and walk in darkness, we lie, and do not the truth; but if we walk in the light, as he is in the light, we have fellowship one with another, and the blood of Jesus Christ, his Son, cleanseth us from all sin.'

"Here is a brief stating of the whole great case of salvation. 1. What God is; light. 2. Who they are that can have no fellowship with him; such as walk in darkness, that is, sin. 3. Who they are that have fellowship with him; such as walk in the light, as he is in the light. 4. The reason why, is given; because such as walk in the light, are therein sure to feel the virtue of Christ's blood, to cleanse them from all unrighteousness. Where observe, *that the light's leading us out of darkness, that is, unrighteousness, is the same thing with the blood of Jesus Christ cleansing from all sin.* Sin and darkness, and to be cleansed from the one, and to be translated from the other, is in the text equivalent: otherwise, a man might be delivered from darkness, and walk in the light, and not be cleansed from sin, which is that darkness; a thing absurd and impossible. In short, they go together.

"By this it is evident, that the light being walked in, doth directly lead to God, and fellowship with him, who is the saving light and health of all nations, and consequently, that the light leads to salvation; for that is salvation.

"Many are the denominations that are given in Scripture to one and the same thing. Christ is called the Word, the Light, the Way, *the Truth, the Life, the Quickening Spirit, the Saving Health, the*

Saviour, Emmanuel, a Rock, a Door, a Vine, a Shepherd, &c. A state of sin is sometimes called darkness, death, disobedience, barrenness, rebellion, stiff-neckedness, eating of sour grapes. And wicked men, briers, thorns, thistles, tares, dead trees, wolves, goats, &c. On the contrary, a state of conversion is sometimes expressed by such words as purged, refined, washed, cleansed, sanctified, justified, led by the spirit, baptized by one spirit into one body, made circumcision without hands; regenerated, redeemed, saved, *bought with a price*, &c. And persons so qualified, the children of God, children of light, children of the kingdom, heirs of glory, lambs, sheep, wheat, &c. And that by which they became or continued thus, light, spirit, grace, word, fire, sword, hammer, power, seed, truth, way, life, blood, water, bread, unction, that leadeth into all truth. All which, respectively, is but one and the same in nature, notwithstanding the great variety of epithets, or names given in the Scripture."

Again, page 571: "To conclude. As Abraham, outward and natural, was the great father of the Jews, outward and natural, whose seed God promised to bless with earthly blessings, as Canaan, &c. and that they were figurative of the one seed Christ, and such as he should beget unto a lively hope, through the power of his spiritual resurrection, it will consequently follow, that this seed must be inward and spiritual; since *one outward thing cannot be the proper figure or representation of another*. Nor is it the way of holy Scripture, so to teach us; the outward lamb shows forth the inward lamb; the Jew outward, the Jew inward. As God attended the one with many singular outward mercies (to say no more) above other nations, so doth he benefit the Jew in spirit, above all other people."

Again, on page 166: "In short, I say, both as to this and the other point of justification, that Jesus Christ was a sacrifice for sin, that he was set forth to be a propitiation for the sins of the whole world, to declare *God's* righteousness for the remission of sins that are past, *he* to all that repented and had faith in his Son. Therein the love of God appeared, that he *declared his good-will thereby to be reconciled*, Christ bearing away the sins that are past, as the scape-goat did of old, not excluding inward work, for till that is begun, none can be benefited; though it is not the work, but *God's free love that remits and blots out*, of which the death of Christ and his sacrificing of himself was a most certain *declaration and confirmation*. In short, that *declared remission*, to all who *believe and obey*, for the sins that are past, which is the first part of Christ's work, (as it is a king's to pardon a traitor before he advanceth him,) and hitherto the acquittance imputes a righteousness, (inasmuch as men, *on true repentance*, are reputed as clean of guilt as if they had never sinned,) and thus far justified. But the completing of this by the working out of sin inherent, must be by the power and spirit of Christ in the heart, destroying the old man and his deeds, and bringing in the new and everlasting righteousness. So that which I writ against, is such doctrine as extended Christ's death and obedience, not to the first,

but this second part of justification; not the pacifying conscience to past sin, but to complete salvation without cleansing and purging from all filthiness of flesh and spirit, by the internal operation of his holy power and spirit. Concerning these two points, I refer thee to two books written not long since by me, called 'Quakerism, New Nickname for Old Christianity,' and 'Reason against Railing,' in which these points are fully discussed; as also the 'Divinity of Christ' written by G. Whitehead."

Isaac Pennington, first volume of his Works, page 609, speaks thus

"Quest. 1. What is reconciliation?"

"Answ. It is a bringing together the minds and hearts of God and man into one.

"Quest. 2. How is this wrought?"

"Answ. By taking away the enmity of man's nature, which is therein against God, and by planting him into, and causing him to grow up in, that nature and life which God loveth, whereby that is removed from man which God hateth, and which is the cause of separation; and man brought into, and brought up in that, which is the love and delight of God's heart.

"Quest. 3. By what is this reconciliation wrought?"

"Answ. *By the word of God's power.* That comes forth from the love of God unto man; and man being gathered out of himself into that, the evil seed is thereby destroyed, and the good seed in the kingdom thereby cherished, and groweth up in its shadow and nourishment.

"Quest. 4. How doth the word work this?"

"Answ. By winning upon man, and gathering him into its light out of man's own darkness, exercising man various ways to empty him of himself, and make him weak in himself, and putting forth his own strength in and for man, as it hath emptied and weakened him in himself.

"Quest. 5. What, then, is man's great advantage towards reconciliation with God?"

"Answ. To become weak, to become poor, to become helpless, to become nothing by the frequent exercises of the word of reconciliation in the heart: for the poor receive the gospel, and the weak receive God's strength, and the helpless, his mercy, and the nothing ones, his fulness."

Again, page 610: "Quest. 1. What is redemption?"

"Answ. It is the purchasing of the vessel out of the captivity and misery of death, into the liberty and blessedness of the divine life sown, revealed, grown up, and perfected in the heart.

"Quest. 2. Who is the Redeemer?"

"Answ. The Son of God, the child of God's begetting, the divine image, who naturally believes and fulfils the will of the Father, in every vessel which it hath prepared.

"Quest. 3. By what doth he redeem?"

"Answ. By his blood; by his life; by his power; by *his nature*

man in the vessel, and transforming the vessel into its own likeness. Yea, this is indeed redemption, when the creature is changed into, and brought forth in the image, power, nature, virtue, and divine life of him that redeemeth; and the old contrary image perfectly blotted out, by the presence and indwelling of the new. This is perfect redemption, the least measure whereof is redemption in a degree.

“And after this springs up the glory of the life in the vessel, even the glory *which it had with the Father before the world was*. In the nature of the life the glory is hid; it is sown in the seed, it dies with the seed, it is raised with the seed.”

And again, page 513: “Quest. What is the work of redemption?

“Answ. To purge the old leaven out of the vessel, to purify the vessel from all the false appearances of light, to batter down all the strong holds of the enemy in the mind, all the reasonings, thoughts, imaginations, and consultations, which are not of the pure, or in the pure; and so to new create and new form the vessel in the image of the wisdom and purity wherein it was at first formed.

“Quest. Who doth this work, or who is man’s Redeemer out of the fall?

“Answ. The Eternal Word or Son of the Father, even *the wisdom and power which went forth from the fountain in the creation*, the same goeth forth from the bosom of the Father to purify the creature, and so bringeth the creature back (being purified and cleansed) into his bosom again.

“Quest. With what doth this Word, or Redeemer, redeem?

“Answ. With *his own life*, with *his own blood*, with his own eternal virtue and purity. He descendeth into the lower parts of the earth, becomes flesh there, sows his own seed in his prepared earth, begets of his flesh and of his bone, in his own likeness, and nourisheth up his birth with his flesh and blood unto life everlasting.

“Quest. What is this life? Or how doth it first manifest itself in the darkness?

“Answ. It is *the light of men*. It is that which gave light to Adam at first, again to him after the fall, and to all men since the fall. It enlightens in nature; it enlightened under the law; it did enlighten under the gospel before the apostacy, and again since the apostacy.

“Quest. How doth the light enlighten?

“Answ. *By its shining*. The eternal Word moves, the life opens, the light shines: this *in the least degree, is a beginning of redemption*; in its fulness *it is redemption perfected*.”

George Fox, in his “Great Mystery,” pages 102, 103, gives *his* view of the subject: “P. He saith, ‘It is an error to say, that the light which every one hath that cometh into the world, is sufficient to salvation, without the help of any other means or discovery,’ &c. See page 9.

“A. Contrary to Christ, who brought the Jews off from all other helps to himself, and said, ‘Believe in the light while ye have the

light;’ and, ‘that they that believed in the light should not abide in darkness.’ And ‘no man cometh to the Father but by me,’ saith Christ. For he was the way, the truth, the light in men, and the life, and there is no salvation by any other name but by him. And *none know the blood of Christ which cleanseth, and the offering for the sins of the whole world, but with the light which cometh from Christ Jesus*, who is sufficient, who is the salvation to the ends of the earth; so *he is the only means, without any other help*. And as the anointing in people doth teach people, they shall continue in Christ: and as they ‘walk in the light as he is in the light, they shall have fellowship with the Father,’ from whence all helps come; and Christ will dwell in man, and walk in man, and what need have they any more helps?

“P. He saith, ‘It is an error to say, we are justified by that which Christ doth in us,’ &c. See page 9.

“A. Contrary to the apostle, who saith, ‘We are justified by faith in his blood;’ and the faith is in the heart, and *the blood is in the heart* that purifies it, and held in a pure conscience. And the word of faith is within. Rom. x. And faith gives victory over the world, and that which gives victory, justifies.”

And on page 116: “P. He saith, ‘To say that redemption and righteousness are wrought within, is to bring Christ down from above out of Heaven, or raise him from the dead, and to make the blood of Christ as another man’s,’ &c. See page 9.

“A. Now Christ is not known to be the justification, but as he is known within, and redemption out of Adam’s state in the fall. For ‘he that believes hath the witness in himself,’ and ‘ceaseth from his own works, as God did from his, and enters into his rest.’ The world may profess Christ without them; but if he be not within them, they are reprobates, and shall fall short of justification and redemption. And if they have not the Son of God, they have not life; and many will say, Lord, but do not the thing that he commands. And one of thy generation of professors that wrote against the Quakers, said, ‘that the blood of Christ was corruptible,’ (and so it was like the blood of another man,) and thou sayst it is not. Now we say, *that blood which cleanseth from all sin, is incorruptible*; and they that witness Christ in them, and justification and redemption, need not say, ‘Who shall raise Christ from the dead, or fetch him from above,’ as thou sayst.”

And page 121: “He saith, ‘Obedience to the light within is another atonement, and a denying the atonement of Christ,’ and calls it ‘a mystery of iniquity.’ See page 28.

“A. None know the atonement of Christ but by the light within, and all are in the mystery of iniquity that are out of the light which cometh from Christ, the covenant of God to Jews and Gentiles; and that ‘gives them the light of the knowledge of the glory of God, in the face of Christ Jesus.’ Mark! he saith, the light is that which *gives the knowledge*; and the light within doth not set up another.

atonement; but they that deny the light within, set up another atonement than Christ."

Page 212: "None see Christ the one offering, but with the light that cometh from him: nor do any know the Saviour, Christ Jesus, but with the light that cometh from him: and that lets them see the body prepared, Christ who was the seed of Abraham, according to the flesh, the one offering, that ends all offerings; and *his blood that is the atonement is the saints' drink*, which, who drinks, shall live, *with which their consciences are purged from dead works*, to serve the living God. And no one knows the foundation of God that standeth sure, nor feels it, nor sees it, but with the light which cometh from Christ the foundation, which breaks down all other foundations; which light that every man is enlightened withal, gives him the knowledge of the foundation of God."

Page 227: "The blood of Christ which satisfies the Father, which the saints drink, and his flesh which they eat, which in so doing they have life, is *that which the world stumble at*; which *who drinks, lives for ever*. And the apostle preached the word of faith in their hearts, and in their mouths, and *the word reconciles to the Father*, and hammers down, and cuts down, and burns up *that which separates from the Father*; and over it gives victory. And as for the word material, the apostle doth not call it so, but precious; and Jerusalem is come down from Heaven and witnessed among the saints, heavenly Jerusalem, and the babes know their mother. And who are in Christ, and Christ in them, see it and possess it. But all such as are against the light within, which doth enlighten every man that cometh into the world, are the antichrists, the false prophets, the wolves which have gotten the sheep's clothing, (which may deceive the world, but not the elect,) as thy book hath declared thee."

Page 233: "He saith, 'It is not properly and absolutely, in a full sense, that God is manifest, or glorified in the flesh of his saints,' page 29.

"A. The saints are the temples of God, and God dwells in them, and walks in them; and *they come to witness the flesh of Christ*, and they glorify him in their souls and bodies, and the Lord is glorified in their bringing forth much fruit. And they witness the seed, the one offering for sin and transgression, *to be manifest within*; and such are not reprobates, that witness the one offering Christ Jesus; but they that have him not within, are reprobates."

And page 248: "There is neither Jew that profeseth a Christ was to come, nor Christian that profeseth a Christ is come; nor any one upon the earth (though ye have all the Scriptures) knows the flesh of Christ, but who owns the light which doth enlighten every man that cometh into the world. For the Jews knew not the flesh of Christ, though they had Scriptures, (but crucified him,) whose ears were stopped and eyes closed to that of God in them. The Gentiles knew not the flesh of Christ, who were astray from the life of God; neither do those called Christians know the flesh of Christ, who are inwardly

ravened from the spirit of God in them, though they have gotten all the sheep's clothing, and talk Christ is come, and died at Jerusalem, as the Jews could say of him to come, and to be born at Bethlehem; yet they could not confess him come in the flesh, nor did know his flesh; no more do these Christians know his flesh, though they have all the form of godliness. But who come to the seed, Christ himself, they know it in them; then they shall know the one offering (atop of all the world's sects) for the sins of the whole world; for none know the flesh of Christ, nor Christ, nor as God was in Christ, but as they come to the light with which they are enlightened, which who hate know him not, but it is your condemnation, and that you shall all feel at last. So the one offering, which is Christ, is set over the whole world, and his flesh the world knows not, nor the princes of the world; but where the seed is come out of the grave, it knows him, the seed knows him; and these are of his flesh and of his bone, it is their meat and drink. And Christ is now come, who treads the wine-press alone without the city. Though all the beasts, and false prophets, and anti-christs upon the earth rise against him, yet the Lamb and the saints shall have the victory, and the nations shall be ruled with a rod of iron; and he that was dead, is alive again; he by whom the world was made is manifest, and he rules in his saints, and the tabernacle of God is with men."

(Court adjourned.)

Wednesday morning, July 31st.

MR. WALL resumed:

I am fully sensible, if it please your honours, that the course which my duty prescribes has required me to trespass very long upon your time, for the purpose of reading the great variety of authorities which it was necessary to submit on the question of doctrines. I feel very grateful for the patient indulgence which the court has thus far extended to me, and I must yet awhile solicit its continuance, whilst I read a few more authorities of the primitive Friends, the introduction of which I have considered essentially requisite to the right understanding of this case. And, first, I wish to submit the views of George Fox, as found in his Journal, vol. i. p. 98, 99:

"As I was walking by the steeple-house side, in the town of Mansfield, the Lord said unto me, 'That which people trample upon must be thy food.' And as the Lord spake, he opened to me, that people and professors trampled upon the life, even *the life of Christ* was trampled upon; they fed upon words, and fed one another with words; but trampled under foot *the blood of the Son of God*, which blood was my life: and they lived in their airy notions, talking of him. It seemed strange to me at the first, that I should feed on that which the high professors tram-

pled upon; but the Lord opened it clearly to me by his eternal spirit and power."

And page 101: "Soon after there was another great meeting of professors, and a captain named Amor Stoddard came in. They were discoursing of the blood of Christ. As they were discoursing of it, I saw, through the immediate opening of the invisible Spirit, the blood of Christ; and cried out among them, saying, 'Do ye not see the blood of Christ? *See it in your hearts*, to sprinkle your hearts and consciences from dead works, to serve the living God.' For I saw *the blood of the new covenant*, how it came *into the heart*. This startled the professors, who would have the blood only without them, and not in them. But captain Stoddard was reached, and said, 'Let the youth speak, hear the youth speak;' when he saw they endeavoured to bear me down with many words."

And in his Doctrinals, pages 644, 645: "The blood of the old covenant was the life of the beasts and other creatures; and the blood of the new covenant is the life of Christ Jesus, who saith, 'Except ye eat my flesh, and drink my blood, ye have no life in you.' John vi. 53.

"So the blood of the new covenant is *not according to the old*; and so with this blood of the new covenant must every one feel their hearts sprinkled, if they have life; and in this new covenant they shall all know the Lord, &c. And by this blood of Jesus, his life in the new covenant, they are justified, in whom we have redemption and the forgiveness of sins; and Christ hath purchased his Church with his own blood, his life, and their faith doth stand in his blood, *which is the life of the Lamb*. Therefore the apostle saith, 'If ye walk in the light, as he is in the light, then have ye fellowship one with another, and the blood of Christ Jesus his Son cleanses from all sin.'

"So it is not the blood of bulls, goats, or the blood of *other creatures* which *was the blood of the old covenant*, nor their outward washings in it, *that takes away sin*; but *the blood of the new covenant*, which is the blood of the Lamb without blemish, Christ Jesus, the blood of the Lamb, *the life of the Lamb*, with which Christ, the high-priest, sanctifies, cleanses, and redeems; and he *washes with his own life, his blood*; yea, he *sprinkles the altar of their hearts*, that they may offer a sacrifice of praise to God continually, that is, the fruits of our lips, giving thanks to his name."

Again, page 646: "And it may be seen it was the life of the clean beasts, from Abel's time, that was offered and accepted of by God to cleanse withal, and therefore they were not to eat the blood, for the blood, the life of the beasts, was offered to God for an atonement upon his altar. So it is clear it was the blood, the life of the beasts, which God required to make atonement with upon his altar for their souls: for the Lord saith, 'The life of all flesh is the blood,' and whosoever did eat it was to be cut off; for the life of all flesh, the blood, was to be offered upon his altar to make atonement for their soul, as the Lord required.

“ Thus the first covenant was dedicated with the blood, which was the life of all flesh : but the new and second covenant is dedicated with the blood, the life of Christ Jesus, *which is the alone atonement unto God*, by which all his people are washed, sanctified, cleansed, and redeemed to God. So that their faith and testimony stands in the blood of the Lamb, the life of Christ Jesus, fore-ordained before the world was, a Lamb without blemish, guile, spot, or sin, which cleanses from all spots and sin, and washes and makes clean the garments. And Christ abolishes both the blood of beasts, and the altar and all the traditions in the law, and their offerings and sacrifices before the law, by the offering up of himself *once in the end of the world, a Lamb ordained before the foundation of the world*; therefore must every one’s faith and testimony stand in him and his blood. And who are the true witnesses of this, but they only that have *drunk of the blood of Christ, and eaten of his flesh*, which he gives for the life of the world, not such as talk of it only.”

To these two last citations I ask the particular attention of the court. There is also another passage of the like meaning, in page 134, of the same book.

James Naylor also, in page 38 of his work, entitled, “ A Vindication of Truth,” printed in 1656, says: “ Thou asks, ‘ Would the light within have showed you the atonement?’ &c. I say, the *true atonement* it will, and *no other thing can show it* to every particular person; but thy atonement, that was before thou wast born, cannot art yet in thy sin, it will not, it shows no such lies. But, blind men may not all that have any experience of atonement, see what the atonement is, that is not seen within? Hadst thou been reconciled to God in thy heart and spirit, the liar’s mouth had been stopped. But if thou should own such an atonement, thou wouldst lose thy master service. But didst thou know what *atonement* or *unity with God* is, thou could not feed thyself with lies, taking conceits for atonement, while that of God within thy conscience condemns thee; but thy atonement would be, to see the light of his countenance shining in thy heart, in the face of Jesus, and see him speak peace with wounds.”

And Robert Barclay, in his Apology, page 358 of his works, expresses his views on the subject, and this too is the very book which the counsel on the other side admit to be orthodox.—“ But if it be objected,” says he, “ (which is the great objection,) that there is no name under heaven, by which salvation is known, but by the *name Jesus*: therefore they, not knowing this, cannot be saved.

“ I answer. Though they know it not *outwardly*, yet if they know it *inwardly*, by feeling the *virtue and power of it*, the name *Jesus* indeed, (which signifies *a Saviour*) to free them from sin and iniquity in their hearts, they are *saved by it*. I confess, there is no other name to be saved by; but salvation lieth not in *the literal*, but in *the experimental knowledge*. Albeit, those that have the *literal knowledge*, are not saved by it, without this real, experimental

knowledge; yet those, that have the real knowledge, may be saved without the external."

And in pages 373, 374, he says: "They object, verse 21st of the same chapter: 'For he hath made him to be sin for us, who knew no sin, that we might be made the righteousness of God in him.'

"From whence they argue: 'That as our sin is imputed to Christ, who had no sin; so Christ's righteousness is imputed to us, without our being righteous.'

"But this interpretation is easily rejected. For though Christ bare our sins, and suffered for us, and was *among men accounted a sinner*, and numbered among transgressors; yet that God reputed him a sinner, is no where proved. For it is said, 'He was found before him holy, harmless, and undefiled, neither was there found any guile in his mouth.' That we deserved these things, and much more for our sins, which he endured in obedience to the Father, and according to his counsel, is true; but that ever God reputed him a sinner, is denied. Neither did he ever die, that we should be reputed righteous, *though no more really such*, than he was a sinner (as hereafter appears). For indeed, if this argument hold, it might be stretched that length, as to become very pleasing to wicked men, that love to abide in their sins: for if we be made righteous, as Christ was made a sinner, merely by imputation, then as there was no sin, not in the least in Christ, so it would follow, that there needed no more righteousness, no more holiness, no more inward sanctification in us, than there was sin in him. So then by his being made sin for us, must be understood his suffering for our sins, that we might be made partakers of the grace purchased by him; by the workings whereof we are made the righteousness of God in him. For that the apostle understood here a being made really righteous, and not merely a being reputed such, appears by what follows, seeing in verses 14, 15, 16, of the following chapter, he argues largely against any supposed agreement of light and darkness, righteousness and unrighteousness; which must needs be admitted, if men be to be reckoned ingrafted in Christ, and real members of him merely by an imputative righteousness, wholly without them, while they themselves are actually unrighteous. And indeed, it may be thought strange, how some men have made this so fundamental an article of their faith, which is so contrary to the whole strain of the gospel. A thing Christ in none of all his sermons and gracious speeches ever willed any to rely upon; always recommending to us works, as instrumental in our justification: and the more it is to be admired at, because that that sentence or term, (so frequent in their mouths, and so often pressed by them, as the very basis of their hope and confidence,) to wit, the imputed righteousness of Christ, is not to be found in all the Bible, at least as to my observation."

Here he expressly declares it is not, and ought not to be, made a fundamental article in the society. And in pages 495-6, in the same Apology, he is very full and explicit on the subject: "From this

large description," says he, "of the origin, nature, and effects of this body, flesh and blood of Christ, it is apparent that it is spiritual, and to be understood of a spiritual body, and not of that body or temple of Jesus Christ, which was born of the Virgin Mary, and in which he walked, lived, and suffered in the land of Judea; because it is said, that it came down from heaven, yea, that it is He that came down from heaven. Now all Christians at present generally acknowledge, that the outward body of Christ came not down from heaven, neither was it that part of Christ, which came down from heaven. And to put the matter out of doubt, when the carnal Jews would have been so understanding it, he tells them plainly, ver. 63. 'It is the Spirit that quickeneth, but the flesh profiteth nothing.' This is also founded upon most sound and solid reason; because it is the soul, not the body, that is to be nourished by this flesh and blood. Now outward flesh cannot nourish nor feed the soul; there is no proportion, nor analogy betwixt them; neither is the communion of the saints with God by a conjunction and mutual participation of flesh, but of the Spirit: 'He that is joined to the Lord is one Spirit,' not one flesh. For the flesh (I mean outward flesh, even such as was that wherein Christ lived and walked, when upon earth; and not flesh, when transformed by a metaphor, to be understood spiritually,) can only partake of flesh, as Spirit of Spirit: as the body cannot feed upon Spirit, neither can the Spirit feed upon flesh. And that the flesh here spoken of, is spiritually understood, appears further, in that that which feedeth upon it, shall never die, but the bodies of all men once die, yea it behoved the body of Christ himself to die. That this body and spiritual flesh and blood of Christ is to be understood of that divine and heavenly seed before spoken of by us, appears both by the nature and fruits of it. First, it is said, 'It is that, which cometh down from heaven, and giveth life unto the world:' now, this answers to that light and seed, which is testified of, John i. to be 'the light of the world, and the life of men.' For that spiritual light and seed, as it receives place in men's hearts, and room to spring up there, is as bread to the hungry and fainting soul, that is (as it were) buried and dead in the lusts of the world; which receives life again, and revives, as it tasteth and partaketh of this heavenly bread. And they that partake of it, are said to come to Christ; neither can any have it, but by coming to him, and believing in the appearance of his light in their hearts; by receiving which, and believing in it, the participation of this body and bread is known. And that Christ understands the same thing here by his body, flesh, and blood, which is understood, John i. by the 'light enlightening every man,' and 'the life,' &c. appears; for the light and life spoken of, John i. is said to be Christ; 'he is the true light:' and the bread, and flesh, &c. spoken of in this 6th of John, is called Christ; 'I am the bread of life,' saith he. Again, 'They that receive that light and life,' John i. 12, obtained power to become the sons of God, by believing in his name: so also here, John vi. 35, 'He, that cometh unto this bread of life

shall not hunger; and he, that believes in him, who is this bread, shall never thirst.' So then, as there was the outward visible body and temple of Jesus Christ, which took its origin from the Virgin Mary; so there is also the spiritual body of Christ, by and through which he, that was the Word in the beginning with God, and was and is God, did reveal himself to the sons of men in all ages, and whereby men in all ages come to be made partakers of eternal life, and to have communion and fellowship with God and Christ. Of which body of Christ, and flesh, and blood, if both Adam, and Seth, and Enoch, and Noah, and Abraham, and Moses, and David, and all the prophets and holy men of God had not eaten, they had not had life in them, nor could their inward man have been nourished. Now, as the outward body and temple was called Christ, so was also this spiritual body no less properly, and that long before that outward body was in being. Hence the apostle saith, 1 Cor. x. 3, 4, that the fathers 'did all eat the same spiritual meat, and did all drink the same spiritual drink: (for they drank of that spiritual rock, that followed them; and that rock was Christ.)' This cannot be understood otherwise than of this spiritual body of Christ: which spiritual body of Christ, though it was the saving food of the righteous both before the law, and under the law, yet under the law it was veiled and shadowed, and covered under divers types, ceremonies and observations; yea and not only so, but it was veiled and hid, in some respect, under the outward temple and body of Christ, or during the continuance of it; so that the Jews could not understand Christ's preaching about it, while on earth: and not the Jews only, but many of his disciples judged it a 'hard saying, murmured at it, and many from that time went back from him, and walked no more with him.' "

It must be clear, I think, from the passages I have cited, that the position with which I set out, as embracing the general views of the early members of the society on the subject of atonement, is the fair deduction from their writings. I do not advance these as the fundamental doctrines of the society of Friends, but it is my duty to present the views entertained by the primitive fathers, in order to show that there was a diversity of opinion among them on these points, and that, although the Orthodox may show that ancient approved writers entertain the doctrines set forth in the bill, yet that there were others, equally respectable, who held and maintained other opinions. We do not, however, find that Penn, Barclay, Fox, or Whitehead, or any of the primitive fathers, ever had any controversies among themselves; but when any one undertook to revile, or to attack those principles which they considered fundamental, every pen was at once drawn to defend them. And this doctrine is now brought forward as an original, primitive, and fundamental doctrine of the society, about which, up to the period of this struggle, there has never been any controversy or dispute, except what was originated by the celebrated George Keith; and how nearly the contention promoted by him, resembled that got up by the present Orthodox party, I may take occasion here-

after to show. They had, indeed, differences of opinion, but those differences never led to any schism, and for the very obvious reason, that they had no creed, and that their faith did not repose upon outward views or forms.

So it is also on the subject of the Scriptures. They allowed freedom of opinion, which did not, however, extend to any attack on the Scriptures themselves; but in regard to the interpretations or different views which might be given to them, the utmost latitude was extended; provided, under colour of this liberty, nothing was attempted inconsistent with "the promotion of holiness and charity," or "the discreet and orderly maintenance of the character of the society as a sober and religious community."

I shall now submit to the court, some of the views of the ancient writers on this point: but first let me briefly state what I deem the leading views of the early and most approved authors, on the subject.

8. They believed, that the Scriptures contain an account of all the chief principles of the doctrine of Christ, held forth in divers declarations, exhortations, and sentences, which by the moving of God's Spirit were, upon sundry occasions, spoken and written; that they are a declaration of the fountain but not the fountain itself; that they are a declaration and testimony of truth but cannot confer a knowledge of truth; that, therefore, they are not to be esteemed the principal ground of divine truth and knowledge, nor the adequate primary rule of faith and manners. This place they conceded only to the Spirit of God, that divine light "which lighteth every man that cometh into the world," from which the Scriptures themselves have all their excellency and certainty, and by which only they can be known and understood: that this only can give a knowledge of God and of the things of God. They did not, therefore, believe that the Scriptures, whether "rightly interpreted" or not, "are unerring guides." But that, "as by the inward testimony of the Spirit we do alone truly know them," hence the Spirit is that guide by which the saints are led into all truth, and the Scriptures but a corroborative evidence and testimony of the Spirit's teachings and guidings. Hence also they believed, not that all Scripture is "given by inspiration of God," but that "*all Scripture given by inspiration of God, is profitable for doctrine, for reproof, for correction, for instruction in righteousness; that the man of God may be perfect, thoroughly furnished unto all good works; but that when leaned upon as the rule of faith and life, they are exalted above their proper place, being made to occupy the position which rightfully belongs to the "Divine Light," the only infallible and sufficient teacher in the things of God and salvation. That when thus depended on "the letter kills," and those who so lean on them are liable to "wrest the Scriptures to their own destruction."*

George Fox, in his Great Mystery, page 592, says: "Objection.

le said, 'whosoever took a place of Scripture, and made a sermon of , or from it, was a conjurer, and his preaching was conjuration.'

"A. He that puts the letter for the light, when the letter saith brist is the light, he is blind; and they that say the letter and the pirit are inseparable, when the Spirit saith the letter is death, and illeth, and all that do study to raise a living thing out of a dead, to use the Spirit out of the letter, are conjurers, and draw points and asons, and so speak a divination of their own brain; they are con-rers and diviners, and their teaching is from conjuration, which is ot spoken from the mouth of the Lord, and the Lord is against all ich, and who are of God are against all such; for that doctrine doth ot profit the people at all, for it stands not in the counsel of God, ut is a doctrine of the devil, and draws people from God, but he at speaks from the mouth of the Lord, turns people from their rickedness, but that ministry which God hath not sent, and that sembly must be disaffected: for the Lord is coming to teach his eople himself by his Spirit.

"O. 'George Fox said the Scripture was carnal.'

"A. The letter of the Scripture is carnal, and the letter is death, and killeth, but the Spirit giveth life, which was in them that gave forth the Scriptures, and that I witness, which is eternal and not carnal: for the Jews who had the letter, persecuted Jesus Christ the substance; and so do you now who have the letter and not the substance. There were ministers of the letter then, and ministers of the Spirit, so there are now."

And page 391, he says also: "He saith, page 11, 'An external means enables them to open the meaning of the gospel.'

"A. An external opens not the eternal; this all may judge that are n the fear of God, and that is it which keeps them from being de-vised and seduced. He saith, 'the external opens the eternal,' which is false; for the eternal opens the external, and the gospel is eternal, and that which reacheth to the soul, which is immortal; and all hey are seduced and seducers, that think and say the external must pen the eternal.

"P. He saith, 'Learned men are those who must give the sense of he Scripture.'

"A. Pilate was a learned man, and had Hebrew, Greek, and Latin, and knew not the sense of the Scripture, who crucified Christ. And he learning of God is that which knows the Scriptures by the Spirit hat gave them forth, and not the confounded natural languages."

In page 409: "The infallible light which every one that comes nto the world is enlightened with, is the leader of the people, and he light they are to follow, and it is the way to the Father, out of he way from the Father that is in the first Adam, in the trans-ression; which light is Christ the second Adam, that every man hat comes into the world is enlightened with. And they who follow his, and believe in it, and walk in it, abide not in darkness, but have the light of life. And the light within, and the Spirit of God within,

that gave forth the Scripture, is the trial of the Scripture of truth; for men without that may wrest the words, and wrong translate them. So the light within, the Spirit of God, is the judge of the Scriptures and knows Scripture, which gave it forth, and is the rule, and ruled and led them to speak them forth, and is the rule that leads them to open them again, and to lead into all truth, as saith Christ."

Page 410: "Enoch and Abraham had faith, and had not Scripture. All are heathens that are not in the light which was before Scripture was written, though they have all the Scripture. And the holy men of God acted in the faith, in obedience to it, before the Scripture was given forth, and they were all in the faith that gave forth the Scripture, and *they did not act as from the Scripture*, but from the Spirit of whom they had learned, who is the author of faith which the just live by, and God and Christ, the substance of the Scripture."

And page 527, he adds: "P. 'That the Scriptures reveal the great mystery of election, the great works of the creation, and the work of redemption.'

"A. There thou hast set up the Scripture instead of God, and before God and the Son, for it is God that doth reveal to babes and sucklings, Matt. xi. 25, and God did reveal by his Spirit, 1 Cor. ii. 10, and God shall reveal, Phil. iii. 15, and the things of God are hid from the wise and prudent, (Matt. xi. 25.) that have the Scriptures; the Jews had the Scriptures: and God reveals his secrets to the prophets, his servants. Amos iii. 7. No man knows the Father saving to whom the Son shall reveal him. Matt. xi. 17. Now the Son reveals, and the Father reveals, and the things of God are revealed by his Spirit. 1 Cor. ii. 10. The Jews had the Scriptures, and knew not the Son, 1 Cor. ii. 8, nor the Father, as in John, nor the things of God by a natural light, as they call it. The Jews had the Scriptures, and did not know the election, Isa. xxiv, because they were from the Spirit. So it is God that reveals the Son, and redemption, and election, and not the Scripture; the Scripture was given forth from them that had the revelation from God."

There are also various other passages in this book to the same purport. I will content myself with referring to them. They are found in pages 102-3, and 451-2.

In his Journal, page 92, he further expresses his views: "My desires after the Lord grew stronger, and zeal in the pure knowledge of God, and of Christ alone, without the help of any man, book, or writing. For though I read the Scriptures that spake of Christ and of God, yet *I knew him not but by revelation*, as he who hath the key did open, and *as the Father of life drew me to his Son by his Spirit*."

Also, in pages 115, 116: "As I went towards Nottingham on a first-day in the morning, with friends to a meeting there, when I came on the top of a hill in sight of the town, I espied the great steeple-house; and the Lord said unto me, 'Thou must go cry against yonder great idol, and against the worshippers therein.' I said

nothing of this to the friends, but went with them to the meeting, where the mighty power of the Lord God was among us; in which I left Friends sitting in the meeting, and went to the steeple-house. When I came there all the people looked like fallow ground, and the priest, like a great lump of earth, stood in his pulpit above. He took for his text these words of Peter: 'We have also a more sure word of prophecy, whereunto ye do well that ye take heed, as unto a light that shineth in a dark place, until the day dawn, and the day-star rise upon your hearts.' He told the people this was the Scriptures, by which they were *to try all doctrines, religions, and opinions*. Now the Lord's power was so mighty upon me, and so strong in me, that I could not hold; but was made to cry out, 'Oh! no; it is not the Scriptures;' and told them it was *the holy Spirit*, by which the holy men of God gave forth the Scriptures, whereby opinions, religions, and judgments were to be tried; for it led into all truth, and so gave the knowledge of all truth. 'The Jews had the Scriptures, yet rejected the Holy Ghost, and rejected Christ, the bright morning-star. They persecuted him and his apostles, and took upon them to try their doctrines by the Scriptures, but erred in judgment, and did not try them right; because they tried without the Holy Ghost.'

Edward Burrough, in his work in answer to George Griffiths, page 3, says: "And this again I affirm, as before I did in thy hearing, that the Scripture is not the saints' rule, but the Spirit which gave forth the Scripture, as the Scripture itself witnesses. Rom. viii. Faith was before the Scripture was, and therefore the Scripture is not the ground of it, but a declaration of it; and no other faith we own but the faith which Abel had, and which Moses had, which was when the Scripture was written, and that we own to be the rule of our conversation, which they walked by, the immediate Spirit of God which was before the Scripture was written. And all you who profess the Scripture to be your rule, your own rule shall testify against you when the eternal God judges you, and they who witness that to be their rule which gave forth the Scriptures, walk up in the life of the Scripture more than you all. And you are proved to be but the outward, who boasts of the ordinances from the letter, but persecutes them, by slanders and false reproaches, who witness the substance; and your praise is only of men, and not of God. And the me wo which thou pronouncest upon us will fall upon thy own head, for this thy grievous slander, that we neglect the law, and teach men so to do."

And pages 446, 447, he thus speaks: "He saith, *I say falsely*; when I have spoken the truth, which is a lie in the highest degree, saying when I spoke the truth, that I spoke falsely; and his proof, that the truth and I do not agree, is, because I said in my first, 'The saints have no need of Scriptures to teach them; but the Spirit of the Father leadeth and teacheth into all truth.'

"Rep. My words are justifiable; for 'it is the Spirit that leadeth to all truth,' John xvi., and the saints 'need no man to teach them,'

but they have the anointing within them; and they know all things by the unction, 1 John: and the Spirit of the Father is given them, by which the Scriptures were given forth. And the Lord is the teacher of his people; and they need not any to say to them, Know the Lord, Jer. xxxi. Yet they that witness this, do not make the Scripture of none effect, but own it in its place, yet *not as their teacher*; for then they should deny the new covenant, Jer. xxxi., and then *something besides the Spirit leads into truth*, and they have something to teach them besides the anointing. But if this be all the proof that can be given against me, 'that I and the truth do not agree,' I doubt not but all spiritual men will see the emptiness and weakness of the witness against me, and will be more confirmed, rather than shaken, that I and the truth do fully agree; though P. T. speaks otherwise falsely against me, and as if I had contradicted the apostle's words, which he quotes against me, who saith, 'Whatsoever things were written aforetime, were written for our learning;' which Scripture I do own, and no way contradict; it is the error of his judgment, which so judgeth: for, even they for whom the things that were written, were for their learning; yet they were led into all truth by the teachings of the Spirit, and they were taught of the Father; and what was written to them, was not written because they knew not truth, or to teach them truth, 1 John ii. 21. Let him learn what this means."

And in the same book, pages 484, and 485, you will find passages equally corroborative of these views. Francis Howgil, in pages 269, and 270, has also the same views.

George Whitehead, in his work entitled "The Light and Life of Christ," pages 22, 23, expresses himself thus: "Herein is *the sufficiency of Christ and his light* to guide, opposed and denied, *without the Scriptures*, by our opposer; as if the Scriptures *must needs help Christ*, the light or spirit; and as if the guidance of the spirit now were not to be esteemed of as Scripture, inspired as well as the Scriptures were, when given by inspiration to the men of God of old: or when it is confessed that Christ within is the Comforter, he means by the application of promises without, which is still *to detract and diminish from the spirit's sufficiency, both in guiding and comforting, though it leads into all truth*, and brings us to know the right use of the Scriptures, which we do own, in *preferring the spirit, and owning its guidance to lead into the knowledge of the truths in Scripture.*"

Isaac Penington, in the first vol. of his works, pages 94, 95, says: "Quest. Then by this a man may be saved, though he should not know the literal name Jesus, or the literal name Christ, &c.

"Answ. The names are but the signification of the thing spoken of; for it is the life, the power (the being transformed by that) that saves, not the knowledge of a name. And Christians mightily deceive themselves herein: for they think to be saved by believing a relation concerning Christ, as he appeared in a fleshly body, and suf-

ferred death at Jerusalem. Whereas Christ is the same yesterday, to-day, and for ever; and the saving knowledge reveals him not only as he was then, but as he was the day before, and will be for ever. And this knowledge is also revealed in the Scripture; but *they are so brouned in the letter*, wherewith the carnal part is so filled, *that the spiritual eye cannot open in them to see*. So that which was ordained for life, *becomes death to them*, and they perish; they perish just as the Jews did; for their eyes are withheld, by a wisdom which they have *grown up in from the letter*, from the beholding the mystery of life in the spirit, which alone can work out and save from the mystery of death.

“Quest. But did not God formerly work life in men by their reading of the Scriptures, and by the preaching of such godly ministers as are now despised, and accounted antichristian?”

“Answ. When men read the Scriptures formerly, in the times of thick darkness, and when some of those, (who were not made ministers according to the order of the gospel,) preached in the simplicity of their hearts, according to the best light of their feeling and experience, the Lord pitied the simplicity of their hearts, and secretly refreshed this principle in them by such reading, and by such preaching. But now this principle is made manifest, their reading and setting up a knowledge of the Scriptures without this, (which was the thing even then from whence they had their life,) yea, in opposition to this, this increaseth their death and bondage, and shuts them out of life.

“Quest. Well, I will keep to the Scriptures, and wait for light there, let who will follow this *new light*.”

“Answ. Wilt thou keep to the Scriptures, in opposition to that light, which alone can give the knowledge of the Scriptures? What kind of knowledge wilt thou gather from the Scriptures? *Not a knowledge which will humble thee, and cleanse thine heart; but a knowledge that will puff thee up, and fit thee for the slaughter*. While thou art from the light, thou canst not know the Scriptures, nor the power of God; but art exalting thine own imaginations, conceivings, and reasonings, without the sense of Scriptures. And this thou wilt one day know with sorrow, when God calls thee to an account for thy boldness, in putting senses and meanings upon his words without his light.

“Quest. I am almost startled.

“Answ. Many have fallen, and more must fall; for the sharp axe of the Lord is prepared to cut down every professor, with all his profession and religious practices, and imitations from Scripture, which stand not in the pure life.”

In page 305, he says: “That the Scripture is the rule of trial under the gospel, I read not in Scripture; but that the things of the Spirit are to be known in and by the Spirit, 1 Cor. ii. 12. The apostle John, speaking of antichrists, seducers, and erring spirits, which were to be tried, doth not bid them try them by the words which he wrote,

or by the other apostles' words, or by the prophets' words; but by the anointing; which keeping close to, they need fear no seducers, 1 John ii. 26, 27. The word which was in the beginning being received, abode in, and kept close to, tries all words and spirits. That which begets to God is the spirit; the great gift, (which is given to him who is begotten,) is the spirit; and this (being given) is to become the fountain of life to the believer, John vii. 38. And in this spring of life he is to live, and receive milk and knowledge; and here he is to walk, and here he is to try all other waters, even by this water. And this is more to a believer, and more enableth him to try, than all the words of truth that ever were written; though he that hath this cannot despise or undervalue anything that the Spirit ever wrought: but yet the Spirit itself is more to him, and more certain, than any words concerning the Spirit. Men may make false glosses, and mud, and make void the Scriptures, by their reasonings, and interpretations, and traditional apprehensions; but this water ever runs fresh and clear, and no foul spirit can defile it. Moses gave the law which directed to, and ended in, Christ: Christ in the flesh finished the work which the Father gave him to do, and directed to the comforter to be the leader into all truth; yea, the spring of life to the believer; and here the believer is safe. But the antichristian spirit ravening from this, cries up the letter in the stead of this, and doth not see how the letter points to and centres in this. 'God hath made us able ministers of the New Testament,' saith the apostle; 'not of the letter, but of the spirit,' 2 Cor. iii. 6. He overlooked the letter: that was not the thing he was chiefly to minister, but the spirit, the power, to turn men from darkness to light, that they might feel him that is true, and have the life eternal abiding in the heart. But now, in the antichristian darkness, the spirit being lost, which is the gospel administration, they seemingly advance and cry up the letter, putting it into the place of the spirit. *Yet in truth, it is not the Scripture neither, in its naked simplicity, which is thus cried up, but man's wise reasonings about it.*"

Again, in page 267: "The new covenant is the covenant of the gospel; which is a living covenant, a spiritual covenant, an inward covenant, and the law or rule of it cannot be written outwardly. Read the tenor of the new covenant, Heb. viii. 10; 'I will put my laws into their minds, and write them in their hearts.' If God himself should take the same laws, and write them outwardly, yet, so written, they are not the new covenant: at most they would be but an outward draught of laws written in the new covenant. And mark! this is one difference given between the new covenant and the old; the laws of the one were written outwardly, in 'tables of stone; the laws of the other were to be written in the heart. That is the book wherein the laws of the new covenant were promised to be written, and there they are to be read. So that he that will read and obey the laws of the covenant of life, must look for them in that book wherein God hath promised to write them; for though in other

books he may read some outward descriptions of the thing, yet here alone can he read the thing itself. Christ is the way, the truth, and the life."

And again, in pages 267, 268: "The new creature, that which God hath new created in the heart, in which life breathes, and nothing but life breathes, which is taught by God, and true to God from its very infancy, that is his rule whereby he is to walk; the apostle expressly calls it so, Gal. xvi. 15, 16. That which is begotten by God is a son; and the son, as he is begotten by the breath of the Spirit, so he is preserved and led by the same breath; and such as are so led, are sons, and none else; for it is not reading of Scriptures, and gathering rules out thence, that makes a son, but the receiving of the Spirit, and the being led by the Spirit, Rom. viii. 14, 15. And being the whole worship of the gospel is in the spirit, there is a necessity of receiving that in the first place; and then in it the soul learns to know and wait for its breathings and movings, and follows on towards the Lord in them. The Spirit cannot be withheld from breathing on that which he hath begotten; and that breath is a guide, a rule, a way, to that which it breatheth upon. Now this is most manifest, even from the Scriptures themselves, they expressly calling Christ, the way, the truth, &c. the new creature, the rule; the faith, grace, or gift, given to be the rule, testifying the heart to be that which God hath chosen to write his laws in; but where do they call themselves a perfect rule of faith and obedience? 'They are they,' saith Christ, 'which testify of me; and ye will not come to me, that ye might have life,' John v. 39, 40. Life cannot be received from the Scriptures, but only from Christ the fountain thereof; no more can the Scriptures give the rule, but point to the fountain of the same life, where alone the rule of life, as the life itself, can be received. The Scriptures cannot ingraft into Christ, nor give a living rule to him that is ingrafted; but he that hath heard the testimony of the Scriptures concerning Christ, and hath come to him, must abide in him, and wait on him for the writing of the law of the spirit of life in his heart, and this will be his rule from the law of sin and death, even unto the land of life. Now if men have mistaken in the night of darkness, and put the Scriptures out of their place, (even in the place of the spirit,) and so have become ministers, not of the spirit, but of the letter, whereas the apostles were made able ministers of the New Testament, not of the letter, but of the spirit, 2 Cor. iii. 6; let them not be offended at the spirit of God for teaching us otherwise, nor at us for learning as the spirit of God hath taught us; the Scriptures also testifying that this is the rule, but nowhere setting up themselves for the rule. And it is the same spirit which would now fix men in the Scriptures, to keep men from Christ, the living rule and only way to life eternal, as formerly kept them by traditions from the Scriptures; though it is hard for them who are entangled in this deceit, to see it."

And there are several other passages in the book to the same import, which I will not cite.

I now turn to the works of William Penn. In the first vol. page 597, he says: "Christ left nothing in writing for the rule of faith and practice that we hear of; and it is not to be thought that he was less faithful in his house than Moses: and doubtless, had he intended the rule of his followers to have been a written rule, he would have left it upon record with all punctuality, this must be believed, and that done, on pain of eternal death. Nor did his followers write in the method of a rule, as the law was written; nor did they so call or commend what they writ."

Again, 2d vol. pages 36, 37: "Greater impertinency no man can be guilty of, than to affirm or teach, *that there is a revelation not immediate*; it is a direct contradiction in terms; for that which is *revealed* must be *immediately*, or else it cannot rationally be a *revelation*, but *tradition* rather.

"Nay, the Scriptures cannot be properly styled *the revelation of the will of God*, till they are first opened by him, who was found worthy to unseal the book, 'that spirit of truth, that opens, and none shuts; and shuts, and none opens.'

"The Scripture gives this testimony to what I affirm, that it is 'the inspiration of the Almighty which gives understanding:' and 'none can come to the Father but by me:' 'none knows the Father, but the Son, and he to whom the Son reveals him:' 'none knows the things of God, save the spirit of God:' 'I will be with you to the end:' 'If any be otherwise minded, God will reveal it to him;' with many the like expressions, which afford us thus much, viz.: That since no man knows the mind and will of God, neither can rightly discern of spiritual matters, but as they are revealed and manifested by the spirit of God, the very Scriptures themselves are not a revelation to him, but *the sense and purpose of them, (so immediately revealed by the eternal Spirit,) is the only true revelation*, and the Scriptures but a godly tradition.

"Moses did not conclude his predecessors ignorant of the will of God, who were without a written law. Nor did Job say, that the naked books of Moses were able to give understanding; but the inspiration of the Almighty: neither did Christ bid them read the Scriptures, that the Father might be revealed to them. Nor the apostles require the churches to have recourse to their writings, (then scattered amongst them,) as what would only reveal to them the mind of God. But as they affirmed and preached the impossibility of knowing the things of ~~God~~, *any other way than that of revelation from God*; so did they attribute all such science, not to their writings, but to his spirit; directing all to the grace, spirit, and anointing, as their most infallible teacher.

"Nay, the Lord, (in his wisdom,) apprehending, that the people would not believe Moses, unless they had some sensible and convincing evidence, was therefore pleased to say to Moses, 'Lo, I come

in a thick cloud, that the people may hear when I speak with thee, and believe thee for ever,' Exod. xix. 9. This was far from God's speaking so, as that the people should not hear as well as Moses, or the prophets. And truly, the plain English why we believe not the black-coats of our age, is because we do not hear God speak to, or by them."

Robert Barclay in his Apology, gives his views at length on this subject. Page 305 of his works, he says: "This is the great work of the Scriptures and their service to us, that we may witness them fulfilled in us, and so discern the stamp of God's spirit and ways upon them, by the inward acquaintance we have with the same spirit and work in our hearts. The prophecies of the Scripture are also very comfortable and profitable unto us, as the same Spirit enlightens us to observe them fulfilled, and to be fulfilled. For in all this it is to be observed, that *it is only the spiritual man, that can make a right use of them*: they are able to make the *man of God* perfect, (so it is not the natural man,) and whatsoever was written aforetime, was written for our comfort, '*our*' that are the believers, '*our*' that are the saints; concerning such the apostle speaks: for as for the other, the apostle Peter plainly declares, that the *unstable and unlearned wrest them to their own destruction*. These were they that were unlearned in the divine and heavenly learning of the Spirit, not in human and school literature; in which we may safely presume, that Peter himself, being a fisherman, had no great skill: for it may with great probability, yea, certainty be affirmed, that he had no knowledge of Aristotle's Logic, which both papists and protestants now, degenerating from the simplicity of truth, make the handmaid of divinity, (as they call it,) and a necessary introduction to their carnal, natural, and human ministry. By the infinite, obscure labours of which kind of men, mixing in their heathenish stuff, the Scripture is rendered at this day of so little service to the simple people: whereof if Jerome complained in his time, now twelve hundred years ago, saying, 'It is wont to befall the most part of learned men, that it is harder to understand their expositions, than the things which they go about to expound,' what may we say then, considering those great heaps of commentaries since, in ages yet far more corrupted?"

And in pages 306 and 307: "Their second objection is from John v. 39: 'Search the Scriptures,' &c. Here, (say they,) we are commanded by Christ himself, to search the Scriptures.

"I answer, first. That the Scriptures ought to be searched, we do not at all deny; but are very willing to be tried by them: as hath been above declared. But the question is, whether they be the only and principal rule? which this is so far from proving, that it proveth the contrary: for *Christ checks them here for too high an esteem of the Scriptures, and neglecting of him that was to be preferred before them*, and to whom they bore witness; as the following words declare: 'for in them ye think ye have eternal life, and they are they which testify of me; and ye will not come unto me, that ye

may have life.' This shows, that while they thought they had eternal life in the Scriptures, they neglected to come unto Christ to have life, of which the Scriptures bore witness. This answers well to our purpose, since our adversaries now do also exalt the Scriptures, and think to have life in them; which is no more than to look upon them as the only principal rule and way to life, and yet refuse to come unto the Spirit, of which they testify; even the inward, spiritual law, which could give them life. So that the cause of this people's ignorance and unbelief was not their want of respect to the Scriptures; which though they knew, and had a high esteem of, yet Christ testifies in the former verses, that they had neither seen the Father, nor heard his voice at any time, neither had his word abiding in them: which had they then had, then they had believed in the Son.

"Moreover, that place may be taken in the indicative mood; 'Ye search the Scriptures;' which interpretation the Greek word will bear, and so Pasor translateth it: which by the reproof following seemeth also to be the more genuine interpretation; as Cyrillus long ago hath observed."

And page 308: "But if it be urged, that it is not enough to deny these consequences, if they naturally follow from your doctrine of immediate revelation, and denying the Scripture to be the only rule.

"I answer: we have proved both these doctrines to be true and necessary, according to the Scriptures themselves; and therefore to fasten evil consequences upon them, which we make appear do not follow, is not to accuse us, but Christ and his apostles, who preached them.

"But, secondly, we have shut the door upon all such doctrine in this very position, affirming, that the Scriptures give a full and ample testimony to all the principal doctrines of the Christian faith. For we do firmly believe, that there is no other gospel or doctrine to be preached, but that which was delivered by the apostles; and do freely subscribe to that saying, 'Let him that preacheth any other gospel, than that which hath been already preached by the apostles, and according to the Scriptures, be accursed.'

"So we distinguish betwixt a revelation of a new gospel and new doctrines, and a new revelation of the good old gospel and doctrines; the last we plead for, but the first we utterly deny. For we firmly believe, that no other foundation can any man lay, than that which is laid already. But that this revelation is necessary, we have already proved; and this distinction doth sufficiently guard us against the hazard insinuated in the objection.

"As to the Scriptures being a filled canon, I see no necessity of believing it: and if these men, that believe the Scripture to be the only rule, will be consistent to their own doctrine, they must needs be of my judgment; seeing, it is simply impossible to prove the canon by the Scriptures. For it cannot be found in any book of the

ription, that these books, and just these, and no other are canonical; as all are forced to acknowledge."

And in page 296: "We confess, indeed, there wants not a mastery in the style, a coherence in the parts, a good scope in the whole; but seeing these things are not discerned by the natural, but only by the spiritual man, it is the spirit of God, that must give us that belief of the Scriptures which may satisfy our consciences."

And page 297: "By all which it appeareth how necessary it is to seek the certainty of the Scriptures from the spirit, and nowhere else. The infinite janglings, and endless contests of those that seek their authority elsewhere, do witness to the truth hereof."

Again: "Though then we do acknowledge the Scriptures to be very heavenly and divine writings, the use of them to be very comfortable and necessary to the church of Christ, and that we also admire and give praise to the Lord for his wonderful providence in preserving these writings so pure and uncorrupted as we have them, through so long a night of apostasy, to be a testimony for his truth against the wickedness and abominations even of those whom he made instrumental in preserving them; so that they have kept them to be a witness against themselves: yet we may not call them the principal fountain of all truth and knowledge, nor yet the first adequate rule of faith and manners; because the principal fountain of truth must be the truth itself, i. e. that whose certainty and authority depends not upon another. When we doubt of the streams of any river or flood, we recur to the fountain itself, and having found there we rest; we can go no further: because there it springs out of the bowels of the earth, which are inscrutable: even so the writings and sayings of all men we must bring to the word of God, I mean, the eternal word; and *if they agree hereunto, we stand there*. For this word always proceedeth, and doth eternally proceed from God, in and by which the unsearchable wisdom of God, and unsearchable counsel and will conceived in the heart of God, is revealed unto us."

Again, pages 298, 299: "The very nature of the gospel itself denieth, that the Scriptures cannot be the only and chief rule of Christians; else there should be no difference betwixt the law and the gospel: as from the nature of the new covenant, by divers Scriptures described in the former proposition, is proved.

"But besides these, which are before-mentioned, herein doth the law and the gospel differ: in that the law being outwardly written, brings under condemnation, but hath not life in it to save; whereas the gospel, as it declares and makes manifest the evil, so it being an inward, powerful thing, also gives power to obey, and delivers from the evil: hence it is called *Εὐαγγέλιον*, which is, glad tidings. The law or letter, which is without us, kills; but the gospel, which is the inward spiritual law, gives life; for it consists not so much in words, as in virtue: wherefore such as come to know it, and be acquainted with it, come to feel greater power over their iniquities than all out-

ward laws or rules can give them. Hence the apostle concludes, Rom. vi. 14, 'Sin shall not have dominion over you; for ye are not under the law, but under grace.' This grace, then, that is inward, and not an outward law, is to be the rule of Christians. Hereunto the apostle commends the elders of the church, saying, Acts xx. 32, 'And now, brethren, I commend you to God, and to the word of his grace, which is able to build you up, and to give you an inheritance among all those that are sanctified.' He doth not commend them here to outward laws or writings; but to the word of grace, which is inward, even the spiritual law, which makes free; as he elsewhere affirms, Rom. viii. 2, 'The law of the spirit of life in Christ Jesus hath made me free from the law of sin and death.' This spiritual law is that, which the apostle declares he preached and directed people unto; which was not outward, as Rom. x. 8, is manifest, where, distinguishing it from the law, he saith, 'The word is nigh thee, in thy heart and in thy mouth, and this is the word of faith, which we preach.' From what is above said, I argue thus:

"The principal rule of Christians under the gospel, is not an outward letter, nor law outwardly written and delivered, but an inward spiritual law engraven in the heart, the law of the spirit of life, the word that is nigh in the heart and in the mouth. But

"The letter of the Scripture is outward, of itself a dead thing, a mere declaration of good things, but not the things themselves.

"Therefore, it is not, nor can be the chief or principal rule of Christians."

Also, page 292: "And because the spirit of God is the fountain of all truth and sound reason, therefore we have well said, that it cannot contradict either the testimony of the Scripture, nor right reason: yet (as the proposition itself concludeth, to whose last part I now come,) it will not from thence follow, that these divine revelations are to be subjected to the examination either of the outward testimony of Scripture, or of the human or natural reason of man, as to a more noble and certain rule and touchstone; for the divine revelation and inward illumination is that which is evident of itself; forcing the well-disposed understanding, and irresistibly moving it, to assent by its own evidence and clearness, even as the common principles of natural truths do bow the mind to a natural assent."

Page 293: "We then trust to and confide in this spirit, because we know and certainly believe, that it can only lead us aright, and never mislead us: and from this certain confidence it is that we affirm, that no revelation coming from it, can ever contradict the Scripture's testimony, nor right reason. *Not as making this a more certain rule to ourselves; but as condescending to such, who not discerning the revelations of the spirit, as they proceed purely from God, will try them by these mediums; yet those that have the spiritual senses, and can savour the things of the spirit, as it were in prima instantia, i. e. at the first blush, can discern them with-*

out, or before they apply them either to Scripture or reason. Just as a good astronomer can calculate an eclipse infallibly, by which he can conclude, (if the order of nature continue, and some strange and unnatural revolution intervene not,) there will be an eclipse of the sun or moon such a day and such an hour; yet can he not persuade an ignorant rustic of this, until he visibly see it. So also a mathematician can infallibly know by the rules of art, that the three angles of a right angled triangle are equal to two right angles; yea, can know them more certainly, than any man by measure. And some geometrical demonstrations are by all acknowledged to be infallible; which can be scarcely discerned or proved by the senses: yet if a geometer be at the pains to certify some ignorant man concerning the certainty of this art, by condescending to measure it, and make it obvious to his senses, it will not thence follow, that that measuring is so certain, as the demonstration itself; or that the demonstration would be uncertain without it."

And page 276: "This knowledge then of Christ, which is not by the revelation of his own spirit in the heart, is no more properly the knowledge of Christ than the prating of a parrot, which has been taught a few words, may be said to be the voice of a man. For as that or some other bird may be taught to sound and utter forth a rational sentence, as it hath learned it by the outward ear, and not from any living principle of reason actuating it; so, just such is that knowledge of the things of God, which the natural and carnal man hath gathered from the words or writings of spiritual men, which are not true to him, because conceived in the natural spirit, and so brought forth by the wrong organ, and not proceeding from the spiritual principle; no more than the words of a man acquired by art, and brought forth by the mouth of a bird, not proceeding from a rational principle, are true with respect to the bird, that utters them. Wherefore from this Scripture I shall further add this argument:

"If no man can say, Jesus is the Lord, but by the Holy Ghost, then no man can know Jesus to be the Lord, but by the Holy Ghost. But

"The first is true: therefore the second."

I refer the gentlemen, also, to page 633, of the same book: "That the books of the old and new testament are called the Scripture by way of eminency, we deny not, (although the name is given at times to other writings,) nor doth this refute G. K.'s translation of that Scripture, 2 Tim. iii. 16, which is confirmed by the Syriac, which hath it thus; 'In Scriptura enim, quæ per spiritum scripta est, utilitas est ad doctrinam,' &c., i. e. 'For in the Scripture which is written by the spirit, there is profit.' But their reason from the conjunction 'and,' is both foolish and blasphemous. For if the words be rendered thus, 'all Scripture given by inspiration is and profitable,' it is no more nonsense than divers other places in the Scripture, where the conjunction 'and' seemeth to be redundant. As in that place, Job viii. 25, where the

Greek hath it thus, ‘τὴν ἀρχὴν ὅτι καὶ λαλῶ ὑμῖν,’ i. e. ‘The beginning (or from the beginning,) the same which and (or also) I speak unto you.’ Now if the conjunction ‘and’ render not this place nonsense, no more doth it render that in Timothy. But the students’ ignorance renders them rather blasphemers, and their arguments blasphemous against the words of Christ. Moreover the conjunction καὶ may signify a strong affirmation, (as to say, even, truly, indeed,) as both our English translation hath it, Job viii. 25, and Schrevelius in his Greek Lexicon doth render it. And thus the words have good sense, ‘All Scripture (or writing,) *given by inspiration*, is even (or indeed) profitable.’ And whereas they say, ‘None but a Quaker or jesuit would so interpret the place,’ they declare their malice and ignorance. For William Tindall, that famous protestant martyr, in his translation of the bible, (for which the papists burnt him,) did translate it as G. K. doth; whom we think the students dare not accuse as a jesuit. That he was a Quaker, in so far as he held divers of our principles condemned by the students, we shall not deny. As for us, we bless the Lord, our faith stands not on such a small nicety as the want of an ‘is,’ or the redundancy of an ‘and:’ let them look to that whose *faith knoweth no other foundation but the letter*. It doth nothing hurt our faith, nor lessen the due esteem of the Scripture to us, if peradventure an ‘is’ hath been lost, or an ‘and’ hath crept into the text since the original copies were lost. This we know, and can prove, that the Scripture cannot profit any man to salvation without the illumination or inspiration of the spirit: which is both effective and objective.”

And in pages 302 and 303, which shall close my citations on the subject, he says: “Lastly. That cannot be the only, principal, nor chief rule, which doth not universally reach every individual that needeth it, to produce the necessary effect; and from the use of which, (either by some innocent and sinless defect, or natural, yet harmless and blameless imperfection,) many, (who are within the compass of the visible church, and may, without absurdity, yea, with great probability be accounted of the elect,) are necessarily excluded, and that either wholly, or at least from the immediate use thereof. But it so falls out frequently concerning the Scriptures in the case of deaf people, children, and idiots, who can by no means have the benefit of the Scriptures; shall we then affirm, that they are without any rule to God-ward? or that they are all damned? As such an opinion is in itself very absurd and inconsistent, both with the justice and mercy of God; so I know no sound reason can be alleged for it. Now, if we may suppose any such to be under the new covenant dispensation, (as I know none will deny but that we may suppose it without any absurdity,) we cannot suppose them without some rule and means of knowledge, seeing it is expressly affirmed, ‘They shall all be taught of God,’ John vi. 45. ‘And they shall all know me from the least to the greatest,’ Heb. viii. 11. But, secondly,

though we were rid of this difficulty, how many illiterate, and yet good men are there in the church of God, who cannot read a letter in their own mother tongue? which imperfection, though it be inconvenient, I cannot tell whether we may safely affirm it to be sinful. These can have no immediate knowledge of the rule of their faith: so their faith must needs depend upon the credit of other men's reading or relating it unto them; where either the altering, adding, or omitting of a little word may be a foundation in the poor hearer of a very dangerous mistake, whereby he may either continue in an iniquity ignorantly, or believe a lie confidently. As for example: the papists in all their catechisms and public exercises of examination, towards the people, have boldly cut away the second command, because it seems so expressly to hit against their adoration and use of images; whereas many of these people, in whom, by this omission, this false opinion is fostered, are under a simple impossibility, or at least a very great difficulty to be outwardly informed of this abuse. But further; suppose all could read the Scriptures in their own language, where is there one of a thousand, that hath that thorough knowledge of the original languages in which they were written, so as in that respect immediately to receive the benefit of them? Must not all these here depend upon the honesty and faithfulness of the interpreters? Which how uncertain it is for a man to build his faith upon, the many corrections, amendments, and various essays which, even among Protestants, have been used, (whereof the latter hath constantly blamed and corrected the former, as guilty of defects and errors,) do sufficiently declare: and that even the last translations in the vulgar languages need to be corrected, (as I could prove at large, were it proper in this place,) learned men do confess. But last of all, there is no less difficulty occurs even to those skilled in the original languages, who cannot so immediately receive the mind of the authors in these writings, as that their faith doth not at least obliquely depend upon the honesty and credit of the transcribers, since the original copies are granted by all not to be now extant.

“Of which transcribers, Jerome in his time complained, saying, ‘that they wrote not what they found, but what they understood.’”

“And the many various lections in divers copies of the Greek, and the great alterations among the fathers of the first three centuries, (who had greater opportunity to be better informed than we can now lay claim to,) concerning the books to be admitted or rejected, as above is observed; I say, all these, and much more which might be alleged, puts the minds even of the learned into infinite doubts, scruples, and *inextricable difficulties*. Whence we may very safely conclude, that Jesus Christ, who promised to be always with his children, to lead them into all truth, to guard them against the devices of the enemy, and to establish their faith upon an immoveable rock, left them not to be principally ruled by that which *was subject in itself to many uncertainties*: and, therefore, he gave them his spirit, as their principal guide, which neither moths nor time can wear

out, nor transcribers nor translators corrupt; which none are so young, none so illiterate, none in so remote a place, but they may come to be reached and rightly informed by it.

“Through and by the clearness, which that spirit gives us, it is, that we are only best rid of those difficulties, that occur to us concerning the Scriptures: the real and undoubted experience whereof I myself have been a witness of, with great admiration of the love of God to his children in these latter days. For I have known some of my friends, who profess the same faith with me, faithful servants of the most high God, and full of the divine knowledge of his truth, as it was immediately and inwardly revealed to them by the spirit from a true and living experience, who not only were ignorant of the Greek and Hebrew, but even some of them could not read their own vulgar language; who being pressed by their adversaries with some citations out of the English translation, and finding them to *disagree with the manifestation of truth in their own hearts*, have boldly affirmed, *The spirit of God never said so; and that it was certainly wrong*: for they did not believe that any of the holy prophets or apostles had ever written so. Which, when I on this account seriously examined, I really found to be errors and corruptions of the translators; who, (as in most translations,) do not so much give us the genuine signification of the words, as strain them to express that which comes nearest with that opinion and notion they have of truth.”

I repeat, then, that from these citations, and those which are quoted or cited in the books of evidence, it is clear that a difference of opinion did exist among ancient Friends, the associates of Fox, whom the Orthodox style the founder of the society, in respect to that which is now put forth by the Orthodox party, as the *true* standard of religious faith. But the expression of those opinions, resulted in no schism or dispute among the Friends themselves. William Penn asserted and set forth his peculiar views in respect to the trinity, the atonement, and the holy Scriptures. It is true that he was brought under the ban of temporal tribunals, and that he was subjected to oppression and persecution; but his own associates never dealt with him for the views which he promulgated: no division took place among them. And yet, if the opinions set forth by Hendrickson in his bill, and held by the Orthodox party, are indeed the fundamental doctrines of the society, how has it existed so long? It is impossible that it could have existed under such circumstances; and I fairly infer, from the absence of all controversy upon the subject, that these doctrines were considered among the non-essentials by the society of primitive Friends. They had no creeds—they abhorred them as the instruments of priestcraft and tyranny; they had what Barclay terms “fundamental truths;” and these were, as I have before stated, a belief in the Christian religion as contained in the Scriptures, and in the immediate revelation of the Holy Spirit, or the light within. *The religion, the faith, and the hopes of the ancient Friends were*

inward or spiritual. Here they placed the stress, the sum and substance of the whole matter. Here they reposed all their confidence; whilst they refused to acknowledge the interference or dictation of man in matters of religion, or to bend the neck or bend the knee to images of iron or of clay, which might be ordered by man for their worship. And I beg here to call the attention of the court to the light in which Barclay, in his "Vindication of his Anarchy," and in explanation of his views of church government, p. 241, considers these doctrinal points. He says they were not the inward bond of their being together, but only an outward bond, and "not at all to be valued but as it comes from the inward." The inward bond is the life of righteousness; and when any one by denying those truths, doctrines, and principles, to wit, the outward bond, manifestly shows that he hath broken the inward bond, to wit, the life of righteousness, first, from which the outward bond did naturally spring, he then becomes liable to censure. So that he places these questions of doctrines, not as among those *inward* bonds which were necessary to keep the society together, but merely among the outward bonds. So far a man had the unrestrained liberty to hold and adopt his opinions, free from interference or inculcation; and unless he avowed principles inconsistent with the life of righteousness, the true bond of the society, the very avowal of which manifested that he had departed from the inward bond, he could not be called in question, be dealt with or made accountable. William Penn, in his preface to Fox's Journal, p. 32, expressly lays down his views on this point: "Friends distinguish between imposing any practice which immediately regards faith or worship, (which is never to be done, or suffered, or submitted unto,) and requiring Christian compliance with those methods which only respect church business in its more civil part and concern, and that regard the discreet and orderly maintenance of the character of the society, as a sober and religious community."

On the strength of these authorities, and many others that I could refer to, I believe I might here turn the tables upon the Orthodox party, and say that they, and not we, have departed from the original faith and religious doctrines of the ancient society of Friends. The doctrines and faith of ancient Friends, of Fox, of Penn, Whitehead, and others, upon the subject of the trinity, the atonement, and the Scriptures, are variant from those now held and avowed in the creed of the *Orthodox*. They may, if they choose, with all their sin of unbelief, approximate to the standard of orthodoxy of other Protestant trinitarian sects; but every remove that they make from the faith of those fathers of the Quaker church, adds another fact to prove that they are not orthodox Quakers. If I rightly understand, they have, in their exposition, sunk those great fundamental principles by which the society, as Barclay expresses it, was first gathered together. I mean the divine light or Christ within, and Christian love and charity. I ask the court to look to the extracts prepared by Thomas

Evans, and they will find that these principles are entirely lost sight of, and that nothing, save the controversial parts of Scripture, have been brought forward. And, indeed, in that very form of faith which they require us to adopt, they advance the proposition that the light within, although in itself primary, is to all effective purposes a mere secondary influence. I beg the court to look at the manner in which this view is presented in the creed to which I refer. It will be found in page 31.

What, then, is to become of Fox, Penn, Penington, and other primitive Friends of this society? for I have shown that such is not the view they held. What is to become of Robert Barclay, whom the Orthodox Friends have put forth as one of their standard authorities? Without question, the memories of all these men must, on such reasoning, be branded as heterodoxical. They never considered these doctrines as fundamental, and the proposition that they are so, is now for the first time advanced. But by what proof is it supported? Is the ground on which it rests unquestioned? or is the stream of its authority from age to age unbroken? No; on the contrary, if I can rightly interpret the meaning of the numerous authorities whom I have presented before the court, they never considered it to be so. I admit that there are isolated passages by which such a view might be partially sustained, but we are not entitled to draw our deductions in that manner; we are to read the entire exposition, and gather our conclusions accordingly. I therefore submit, that both as regards the doctrine of the trinity, the atonement, and the authority of the Scriptures, the Orthodox Friends are not orthodox Quakers. I submit, that I have clearly shown that their views and opinions on these great subjects of Christian doctrine, differ from those of the primitive Friends; or at least, if I have fallen short in showing this, I have conclusively demonstrated that there was no uniformity of belief on these subjects prescribed, no articles of faith ordered or made, but that a diversity of opinion was not only tolerated, but resulted necessarily from the belief of the light within as the fundamental truth, and a life of righteousness and purity, as the inward bond which binds the society together. When the Orthodox resorted to the ordering or making a creed, they trampled the established principles and fundamental doctrines and faith of the society under their feet. How is it possible, I ask, that a society acknowledging the immediate objective revelation of Christ within, operating on the human heart, as sufficient to work out a life of righteousness and purity, and which when truly "let into the heart, atones, mediates, and reinstates man" in purity and favour with his God, the creator and ruler of the universe, could have framed a creed like that which is now attempted to be foisted upon us?

But this attempt at the introduction of creeds is not new. An effort of this nature, which shook the society to its very centre, and which carried distraction and division in its train, was made in the year 1692, when George Keith arose, and made the same charges

against those Friends who constituted the yearly meeting in Philadelphia, that have now been made against us. He insisted that they were not sound in their belief, that there had been a subversion of the principles of Christianity, in respect to the divinity of our Saviour, the atonement, and the authority of the Scriptures. In short, that the yearly meeting of Philadelphia held and entertained doctrines that struck at the foundation and main pillars of the Christian system; and that they ought to have a creed prepared, by which the orthodoxy and soundness of their faith should be tested: and a division in the society took place. And what was the consequence? The society moved on, according to its accustomed principles of action and settled discipline. Keith was dealt with and disowned, not for a departure from the faith of the society, but for manifestly making it appear by his departure from the life of righteousness, in the indulgence of a contentious, uncharitable disposition, and thus breaking the inward bond, that he had broken the outward bond of the society and violated their discipline. Keith and his friends were not backward in defending themselves, and heaping opprobrious names upon the majority of the society. He too, scouted the idea of a majority governing in such cases, and insisted that it was unheard of, and that the question ought to be tested and settled upon other principles. Still he was expelled, and finding that the majority prevailed, and were steady in rejecting the creed which he had prepared for their acceptance, he became a member of the Church of England, and preached as one of their ministers. As this subject has been spoken of in the evidence, I refer the court to one or two documents on the subject. I hold in my hand a book, entitled, "Some Reasons and Causes of the late Separation that hath come to pass at Philadelphia," &c. These reasons and causes are set forth at length, from page 6, to page 19, from which it appears, that the question of doctrines raised by George Keith, and the charges made by him against Friends, of "cloaking heresies," and "damnable doctrines," lay at the bottom of the whole difficulty.

Pages 6 and 7, it is said, "The false reports and rumours that are already spread abroad concerning us by many, laying all fault upon us of this present breach and division, and loading not only us, but the truth itself with many false and bitter aspersions, reflections, and calumnies, will be cause enough, we hope, to all impartial people to whose hands this shall come, to be a just apology to us for the vindication of truth, and the sincere doctrine of Christ, *that is greatly reviled in divers great and weighty particulars*, particularly the doctrine of Christ's being in heaven in the true nature of man, and substance of the seed of Abraham and David, which he took of the Virgin, according to which he is called *the seed of the woman that should bruise the head of the serpent*, and which was promised to man immediately after the fall, and the faith of him and in him, as such, its being necessary to our *perfect justification and salvation*. His coming again and appearing without us, to judge the quick and

the dead, in the appointed time that approacheth; and the resurrection of the dead, and day of judgment, when all mankind shall stand before the Son of man. *It is dreadful and astonishing to think what vomit and filth* some of late have cast out against these precious doctrines and testimonies of truth, some calling them *popery*, some Presbyterian, and Baptists' principles," &c. And page 17, "a third and main reason," given for their separation from the body of the Friends, is, that "there are divers of them guilty of *most gross and unchristian errors* against the *fundamental doctrines* of the Christian faith, who are public preachers among them, and whose ministry they sit under, and some encourage them, others tolerate and suffer them; and that others even of their preachers, are guilty of other gross errors," &c. And page 22, they say: "Our godly zeal moveth us to a holy impatience, that we cannot longer bear (some of us having borne the weight of these things for many months) such gross ignorance and unbelief, and gross errors, tending to the *denying the Lord that bought us*, and *making void his death and sufferings*, without bearing witness against them who either hold them or support and defend them; and we are convinced and persuaded in our consciences, that God calleth us to separate from *such unbelievers*, and not to be yoked together in church-fellowship and discipline with any that we have not proof of by confession of the mouth, that they are sound in faith, touching these necessary and *fundamental parts of Christian doctrine*." &c.

This is a document published under the names and signatures of a very respectable part of the society who upheld the views of Keith, and joined him in the separation—the minority from the majority. You will also find three judgments which were given forth by Friends against George Keith and his adherents, and which are appended to the work. I read them because they appear to me to have an important bearing on the case. The first judgment is found in page 1, and is as follows: "At a monthly meeting in Philadelphia, the 26th of the 11th mon. 1691, Thomas Fitzwater charged George Keith for denying the sufficiency of the light, which George Keith denying, T. Fitzwater insisted that he could prove the same, and being examined concerning his proof thereof, several Friends present stood up, and said they heard the said George Keith say, that he *did not believe the light was sufficient without something else*, namely, Thomas Prichard, William Harwood, Benjamin Chambers, William Southbe, and several others. And after the matter in debate had been thoroughly heard, the aforesaid credible evidences giving their testimonies as abovesaid, the meeting saw no reason to give judgment against Thomas Fitzwater in this particular abovementioned; but the said Thomas very readily left the matter to this meeting, and condemned the rash spirit that he spoke those words in, although the charge itself was true. This is a copy of what passed at a monthly meeting in Philadelphia, the 26th of 3d month, 1692."

The second judgment is in page 2: "We being prevented in our

meetings of late to proceed orderly in business, by reason of a turbulent and unsubdued spirit, which has much disquieted us, but having respite at this time, have considered seriously and duly of a charge exhibited several months past by George Keith, against William Stockdale, many, if not most of us being present at several meetings, where the allegations of each side were heard; and as the Friends then present concluded on a judgment in this matter, but were prevented of publishing the same, by reason of George Keith's unruly behaviour and extreme passion, which abruptly broke up the said meeting, we declare our concurrent sense as followeth: that whereas proof was made by two witnesses, that Wm. Stockdale should say, that George Keith's preaching Christ without, and Christ within, was preaching two Christs: which W. Stockdale denied the words so spoken, and alleged that George Keith called him an ignorant heathen, and gave him several vilifying expressions; our judgment is, that William Stockdale is reproveable and blameworthy for uttering the said words, they being an offence to many sound and tender Friends, and that we condemn the same. And as for G. Keith's manner of proceeding against him, we cannot own the same to be pursuant to gospel order; the said G. Keith having not alone dealt with him in private, before he had further prosecuted his complaint; neither can we hold him excusable for his indecent expressions to W. Stockdale, he being elder in truth and in years. Given forth by the meeting of public Friends at Philadelphia, the 4th of 4th month, 1692. A true copy by Samuel Jennings."

Now it appears that George Keith had advanced certain complaints against William Stockdale, charging him with being guilty of detraction, and of charging George Keith with preaching the doctrine of Christ within and Christ without, thereby preaching two Christs instead of one. Stockdale resolutely denied the allegation, and retorted on Keith by saying, that he had grossly vilified and disparaged him by insulting words, and that Keith had not dealt with him in gospel order, and according to the discipline; and the yearly meeting condemned Keith, because he had not first dealt with Stockdale in the gospel order, and merely censured Stockdale.

The third judgment is found in page 3. It is addressed "To the several monthly and quarterly meetings in Pennsylvania, east and west Jersey, and elsewhere as there may be occasion.

"Beloved Friends,—In tender love, and with spirits bowed down before the Lord, is this our salutation unto you, earnestly desiring your growth and daily preservation in the ancient truth, and in the simplicity of the gospel of our Lord Jesus Christ; and our hope and breathing are, that no insinuations or wiles of the enemy shall prevail to turn you aside from your steadfastness, or to cause you to esteem lightly of the rock and way of God's salvation unto you, but that you be kept in the light and life, which was and is the just man's path, to the end of our days, Amen.

"Now, dear friends, it is with sorrow of spirits and grief of souls,

And we signify unto you the tedious exercise and vexatious perplexity
 we have met with in our late friend George Keith, for several months
 past. When mourning and lamentation do we say, how is this mighty
 man fallen! How is his shield vilely cast away, as though he had not
 crowed with all of the holy ointment! How shall it be told in Gath,
 and published in the streets of Askelon? Will not the daughters of
 the Philistines rejoice? Will not the daughters of the uncircumcised
 triumph, when they hear he is fallen upon the soaring mountains,
 and from the high places of Israel? Oh! how are we distressed for
 thee, thou as a man slain in thy high places! Whilst thou walked in
 the counsel of God, and wert little in thine own eyes, thy bow did
 shew thy strength, thy sword returned not empty; from the fat of the
 enemies of God, thy bow turned not back; his enemies were then
 vile unto thee, and his followers honourable in thy esteem. Oh!
 how lovely wert thou in that day, when his beauty was upon thee, and
 when his comeliness covered thee! Why should his ornaments exalt
 thee, which were given to humble thee before him! And how thou
 art fallen from thy first love, and art become treacherous to the
 spouse of thy youth! Consider where thou art fallen, and repent, and
 do the first works.

But so it hath happened, friends, lest any flesh should glory, but become silent before the Lord, that this once eminent man, and instrument of renown in the hand of the Lord, whilst he kept his first habitation, and knew the government of truth over his own spirit, and subjected the same to be a bridle to his tongue, was then serviceable both by pen and speech to the churches of Christ; but now, and of late years, too obvious and apparent, that being *degenerated from the gentle, sweet, and peaceable spirit of Christ Jesus, and grown cool to charity, and love towards his brethren*, that he is gone into a *world of enmity, wrath, self-exaltation, contention, and jangling*; and as a person without the fear of God before his eyes, and without regard to his *Christian brethren*, and letting loose the reins of an *extravagant tongue*, he hath broken out into many unchristian speeches, railing accusations, and passionate threatenings against many of his brethren and elders, and that upon slender occasions; and when some in Christian duty have laid before him his unchristian words, and unchristian frame, he hath treated them with abusive words and abusive language, such as a person of common sense would loathe. It hath been too frequent with him, and that in transport of heat and passion, to call some of his brethren in the assembly, and other elders, and that upon small provocation, if any, *rotten, heathens, infidels, silly souls, liars, heretics, rotten, Muggletonians, and other names of that infamous strain*; to our grief, foaming out his rage. And further, his rage and envy being cruel against the business against persons, he hath endeavored to cloak his malice, and publishing openly a

doctrines of devils, and damnable heresies among the Quakers, than among any profession among the protestants. He hath long objected against our discipline, even soon after his coming among us; and having prepared a draught of his own, and the same not finding the expected reception, he seemed disgusted since. He hath often quarrelled with us *about confessions*, declaring, that he knew none given forth by the body of Friends to his satisfaction; and often *charged most of us of being unsound in the faith*. We have offered in several meetings, for his satisfaction, and to prevent strife among us, and for preserving the peace of the church, to deliver a confession of our Christian faith, *in the words of our Lord and Saviour Jesus Christ*, the author of the Christian faith, and *in the words of the apostles and disciples*, his faithful followers; or we would declare our belief in testimonies of our *ancient friends and faithful brethren*, who were generally received by us; or we would concur and agree upon a confession, and have it transmitted to the approbation of the yearly meeting here, or the yearly meeting at London; yea, it was offered unto him at the same time that a confession concerning the main matter in controversy should be given out of a book of his own, but all was slighted as insufficient. The Lord knows the trouble we have had with this unruly member, and the openness of our hearts and well wishes toward him, notwithstanding his rage and violence against us, and of the endeavours of many in this place to have gained upon him by a friendly converse, and by other means not inconsiderable to a brotherly freedom; but our labour hitherto seems to be as water spilt upon the ground. And this meeting having tenderly and orderly dealt with him for his abusive language, and disorderly behaviour, he hath not only slighted all applications of gaining him to a sense of his ill treatments and mis-carriages, but in an insulting manner said to the Friends appointed by the meeting to admonish him, that he trampled the judgment of the meeting under his feet as dirt; and hath of late set up a separate meeting here, where he hath, like an open opposer, not only reviled several Friends, by exposing their religious reputations in mixed auditories of some hundreds, endeavouring to render them and Friends here, by the press and otherways, a scorn to the profane, and the song of the drunkards, but he hath *traduced and vilified our worthy travelling Friends J. D. and T. W.* in their *powerful and savoury ministry*, whose service is, not only here, but in most meetings in England, Scotland, and Ireland, well known to have *a seal in the hearts of many thousands of the Israel of God*. He hath also ~~within a few~~ weeks, appeared in opposition as it were to the body of Friends, putting on his hat when our well-received and recommended J. Dickinson was at prayer, and that in a meeting of Friends and others, and so going out of the meeting in quiet thereof, and to the drawing some scores into the street with him, by his ill example. And he thus perpetrated oppositions, hard speeches, and continued

that we signify unto you the tedious exercise and vexatious perplex we have met with in our late friend George Keith, for several months past. With mourning and lamentation do we say, how is this mighty man fallen! How is his shield vilely cast away, as though he had known the oil of the holy ointment! How shall it be told in Canaan and published in the streets of Askelon? Will not the daughters of the Philistines rejoice? Will not the daughters of the uncircumcised triumph, when they hear he is fallen upon the soaring mount and from the high places of Israel? Oh! how are we distressed thee, thou as a man slain in thy high places! Whilst thou walkedst in the counsel of God, and wert little in thine own eyes, thy bow abode in strength, thy sword returned not empty; from the fat of enemies of God, thy bow turned not back; his enemies were vile unto thee, and his followers honourable in thy esteem. how lovely wert thou in that day, when his beauty was upon thee when his comeliness covered thee! Why should his ornaments leave thee, which were given to humble thee before him! And how art thou fallen from thy first love, and art become treacherous to spouse of thy youth! Consider where thou art fallen, and repent, do thy first works.

“But so it hath happened, friends, lest any flesh should glory, become silent before the Lord, that this once eminent man, and in the height of renown in the hand of the Lord, whilst he kept his habitation, and knew the government of truth over his own spirit witnessed the same to be a bridle to his tongue, was then serviceable both in pen and speech to the churches of Christ; but now, alas! late, it is too obvious and apparent, that being *degenerated from the lowly, meek, and peaceable spirit* of Christ Jesus, and *grown in charity and love towards his brethren*, that he is *gone in the spirit of enmity, wrath, self-exaltation, contention, and jarrings*; and as a person without the fear of God before his eyes, *without regard to his Christian brethren*, and *letting loose reins to an extravagant tongue*, he hath broken out into many *godly speeches, railing accusations, and passionate threatenings* towards many of his brethren and elders, and that upon slender occasions; and when some in Christian duty have laid before him unsavoury words, and unchristian frame, he hath treated them with such vile words and abusive language, such as a person of common civility would loathe. It hath been too frequent with him, and in a transport of heat and passion, to call some of his brethren idle ministry, and other elders, and that upon small provocation, if fools, ignorant heathens, infidels, silly souls, liars, heretics, ranters, Muggletonians, and other names of that infamous sort thereby, to our grief, foaming out his own shame. And further anger and envy being cruel against us, and not contenting him with his harshness against persons, but he proceeded in bitterne spirit to charge our meeting with being come together to cloak heresy and deceit, and publishing openly several times, that there were

doctrines of devils, and damnable heresies among the Quakers, than among any profession among the protestants. He hath long objected against our discipline, even soon after his coming among us; and having prepared a draught of his own, and the same not finding the expected reception, he seemed disgusted since. He hath often quarrelled with us *about confessions*, declaring, that he knew none given forth by the body of Friends to his satisfaction; and often *charged most of us of being unsound in the faith*. We have offered in several meetings, for his satisfaction, and to prevent strife among us, and for preserving the peace of the church, to deliver a confession of our Christian faith, *in the words of our Lord and Saviour Jesus Christ*, the author of the Christian faith, and *in the words of the apostles and disciples*, his faithful followers; or we would declare our belief in testimonies of our *ancient friends and faithful brethren*, who were generally received by us; or we would concur and agree upon a confession, and have it transmitted to the approbation of the yearly meeting here, or the yearly meeting at London; yea, it was offered unto him at the same time that a confession concerning the main matter in controversy should be given out of a book of his own, but all was slighted as insufficient. The Lord knows the trouble we have had with this unruly member, and the openness of our hearts and well wishes toward him, notwithstanding his rage and violence against us, and of the endeavours of many in this place to have gained upon him by a friendly converse, and by other means not inconsiderable to a brotherly freedom; but our labour hitherto seems to be as water spilt upon the ground. And this meeting having tenderly and orderly dealt with him for his abusive language, and disorderly behaviour, he hath not only slighted all applications of gaining him to a sense of his ill treatments and mis-carriages, but in an insulting manner said to the Friends appointed by the meeting to admonish him, that he trampled the judgment of the meeting under his feet as dirt; and hath of late set up a separate meeting here, where he hath, like an open opposer, not only reviled several Friends, by exposing their religious reputations in mixed auditories of some hundreds, endeavouring to render them and Friends here, by the press and otherways, a scorn to the profane, and the song of the drunkards, but he hath *traduced and vilified our worthy travelling Friends J. D. and T. W.* in their *powerful and savoury ministry*, whose service is, not only here, but in most meetings in England, Scotland, and Ireland, well known to have *a seal in the hearts of many thousands of the Israel of God*. He hath also within a few weeks, appeared in opposition as it were to the body of Friends by putting on his hat when our well-received and recommended Friend J. Dickinson was at prayer, and that in a meeting of near a thousand Friends and others, and so going out of the meeting to the great disquiet thereof, and to the drawing some scores into the same opposition with him, by his ill example. And he thus persisting in his repeated oppositions, hard speeches, and continued

separation, and labouring like an unwearied adversary, to wide breach made by him, and so abusing some of the neighbouring meetings, by being as yet under that cover of being owned by us, are hereby brought under a religious constraint, and to prevent meetings of being further injured by him, to give forth this testimony, strained as it were from us by his many and violent provocations, viz. that we cannot own him in such *ungodly speeches disorderly behaviour*, or in his separate meetings, and that we own the same, as proceeding from a wrong spirit, which brings disorder inwardly, and leads into distraction and confusion outwardly. And until he condemn and decline the same, we cannot receive him in his public ministry, and would have him cease to offer his gifts such, among us, or elsewhere among Friends, till he be reconciled to his offended brethren. And as to those few of our brethren in the gift of the ministry, who are gone out with G. Keith, into his unruly and dividing spirit, the miserable effects whereof, many have sufficiently known in old England, and other parts, our judgment is, that whilst they continue such, they become unqualified for the work of the gospel, as degenerating thereby from the guidance of God's blessed and peaceable spirit in their hearts, (from whence proceeds the effectual New Testament ministry,) and being far from the peaceable fruits thereof, are gone to *uncharity and contention*. And now, all you who have walked in fellowship and communion with us, and are drawn aside through inconsideration otherwise, into this spirit of separation and prejudice against meetings, orderly established, and wherein we have been often mutually refreshed together, we cannot but in the fear of God in love to your souls, admonish you also of the insecurity of the present estate, and that therein we cannot have unity with you unless you return from under that spirit, dryness and barrenness, the Lord will be your reward. And so, dear friends, we exhort all to behave yourselves in the spirit of meekness, and peaceable testimony upon all occasions, but more especially upon any discourse or conference with any of them who are discontented among you, or stand aside from you; and *avoid all heats and contentions in matters of faith and worship*; and let not the salt of the covenant be wasted in your words and actions, for thereby the savour of your conviction will reach the witness of God in them. The grace of our Lord Jesus Christ be with you all, Amen.

“Given forth by the meeting of public Friends in Philadelphia the 20th of the 4th month, 1692.”

And let the court mark the guarded language here made use of. These judgments are signed by many Friends.

George Keith, and Thomas Budd, one of his adherents, put forth a “Plea of the Innocent,” against what they termed this “false judgment.” I refer to it merely to show the grounds of the expulsion.

In page 10, it is said: “And notwithstanding their accusations against George Keith, as if he were not in unity with the truth,

faithful Friends, G. K. hath many hundreds to bear him witness, that he is in unity with truth and faithful Friends, not only in old England, but in all places where they are; and they have heard him upon all occasions earnestly to declare his being in unity with all faithful Friends everywhere, and that he doth believe that there are many that are faithful, and have had the true Christian faith from the beginning, and that they still continue in it, and that the faith and doctrine he doth preach is the same that ancient Friends had from the beginning, and which all sound and faithful Friends at present have. And as for his giving hard names and words to any, it was but conditional, upon supposition of their holding such errors, which they did seem to favour and argue for, except to two or three, to whom he was more positive, because of their boldly asserting these errors, some of which are now boldly and openly asserted by them generally."

And in page 11, "Whereas they say, 'that G. K. charged their meeting with being come to *cloak heresies and deceit*, and that there were more *doctrines of devils, and damnable heresies* among the Quakers, than among any professions of the protestants.' In this they are very unfair; and give a false relation, as can be proved by credible witnesses: he did not charge the whole meeting, but a party or faction of them, that swayed and influenced others; for there were divers of that meeting that stood for G. K. at that time, which was the meeting held at Burlington last; though J. Delavall and W. Byles are now declined. And G. K. did say, 'that *no such damnable heresies and doctrines of devils were tolerated in any protestant society, as these here did among them*:' but he never charged the body of Friends with these things, but always made a distinction. And G. K. might well say so concerning them that have opposed him here, who have exceedingly laboured to cloak that damnable heresy of W. S., 'that to preach faith in Christ within and without, is to preach two Christs.' And with the like industry have they laboured to cover T. F., whom they heard utter blasphemy in his prayer, and never brought him to conviction for it. And though T. Budd, at the last meeting of ministering Friends at Burlington, charged him with saying, 'that he owned no man Christ Jesus as mediator in heaven without him, but the grace of God within him,' yet they gave him no check for it. And at the last yearly meeting, in the presence of divers Friends, he argued against G. K. 'that Christ was only a spirit in heaven, and had nothing of the body of man in heaven.' This is he also who said to G. K. at another meeting, 'he had not learned that lesson, whether it was the Godhead or somewhat else that Christ took of the virgin, that was nailed to the cross.' And at a late monthly meeting, that party hath cleared the said T. F., and told, 'that the light is sufficient without anything else,' excluding the man Christ Jesus, and his obedience, death, resurrection, ascension, and mediation for us in heaven; all which are something else than the light: and G. K. might well say, no pro-

testant society would tolerate these damnable heresies, nor indeed would the church of Rome,' " &c.

Again in pages 15, 16: 'Their blaming G. K. for his earnest desiring that they and we might agree to draw up some principles and doctrines of faith in the most necessary things, to qualify our church members, and distinguish believers from unbelievers, has no ground, but is rather worthy of commendation; for hundreds the necessity of such a thing among us, especially hereaway. As for his saying, that he knew none given forth by the body of Friends, it is true he hath so said, and if they know any entire confession or declaration of faith in all necessary things, and sufficient to end the present differences, let them produce it. We know that particular accounts of principles and doctrines have been given forth by divers particular Friends, as G. F., G. W., E. B., J. C., and divers others, but not by the body of Friends, or any yearly meeting, so far as we know, except the Rhode Island sheet, which they do so much propose. For their offering to give a confession in Scripture words, when they have given us to know, they have a sense contrary to Scripture, no more can satisfy us, than when Papists, Socinians, Muggletonians, &c. say they will give us a confession of their faith in Scripture words.'

Here, then, you have the grounds of the controversy which arose in Philadelphia, in 1692.

This dispute, then, manifestly arose on the subject of doctrine alone. George Keith undertook to charge the ministers and Friends of the society at Philadelphia, with preaching what he charitably termed "damnable heresies," and when he required that they should be brought to an ordeal of faith, harmonizing with that of other protestant sects, he was expelled. And how? He was not alone in his turbulence; at least sixty Friends of that meeting went with him, but this was a minority. The majority of the Friends decided against him, and his expulsion was the consequence.

Keith carried this controversy to the yearly meeting at London, not because there was any connection between the two meetings, because he had a right there to seek redress for real or supposed injuries by way of appeal; but because he hoped to find something there which might corroborate the views he himself had taken. It appears that some Friends, amongst whom was Samuel Jennison, were at that period in London, not as delegates, but merely accidentally and upon their own business. The decision of the yearly meeting here was not confirmed by the yearly meeting at London, nor was it approved of. These facts are to be found in Proud's History, page 368.

Thus the meeting at London did not interfere as a supervising authoritative body, which had a right to settle disputes of this description by way of appeal; they did not undertake to affirm or reverse the judgment which had been given; but Keith having voluntarily submitted himself to their tribunal, they simply signified

their approval of the decision, at the same time giving their views of the conduct of Keith, as contained in the proceedings. And Keith continued to pursue the same course of conduct in England, which had previously rendered him obnoxious here. Brownlee gives his view of this in his "Historical Dissertation on the Nature and Tendency of the Religious Disputes of Friends," pages 116, 117. 222.

It is said in the testimony, that these controversies in England gave rise to the promulgation of a creed by the society of Friends in that country. It deserves to be specially remarked, however, that what has been so termed, was the work of individuals, on their own responsibility, and not of the society. But had it been such, the society of Friends here, acting in the capacity of a yearly meeting, was free and independent; they never acknowledged the right of the yearly meeting in England to dictate to them, or prescribe rules for their government. But it is very extraordinary that the society of Friends in this country, the very spot on which Keith had made his charges, never published or gave out anything in the shape of an exposition, creed, or articles of faith. What can be more conclusive than this? But there is another fact, and as I apprehend a very conclusive fact, to show that the yearly meeting of Philadelphia never advanced any creed before this present division took place. In the year 1815, Jesse Kersey published a book, entitled, "A Treatise on Fundamental Doctrines of the Christian Religion, in which are illustrated the Profession, Ministry, Worship, and Faith of the Society of Friends." I read from pages 3 to 6: "The society of Friends, who were in derision called Quakers, because they exhorted their persecutors to fear and tremble at the word of God, appeared in the seventeenth century. At that time, there were many in England who were not satisfied with the opinions and forms of worship which were held by the different religious societies then existing. It appeared to them that the life and spirit of Christianity were much wanting, and that many formal obligations, which were connected with the various systems of worship, were introduced and stood in the place of the substance. Hence they may be considered as waiting and looking for some further and more confident ground of faith, than they conceived was to be met with among the associated professors of Christianity. George Fox was one of this description: and being early in life awakened to see the sinful state of the world, had many serious considerations excited in his mind; these he cherished, and was gradually brought to understand the nature and design of the gospel dispensation. It would exceed the bounds allotted to this work, were I to give the history of this plain but able advocate of vital religion. The reader may be readily acquainted with it by recurring to his own account contained in a journal of his life, which he has left behind him. Early after he came forth in the ministry, many embraced the truth to which he pointed, and a society was formed in England, who were known to each other by the name of Friends.

“Many were the persecutions and sufferings to which this community were exposed. An account of them may be read either Sewel’s or Gough’s history. A fundamental and primary object of the infancy of the society, was to turn the attention of the people from outward forms and dependencies to the light of Christ in themselves. This they confidently maintained was universal; that every man was enlightened by it; and that until the rational creature should conform to it, their claim to true religion had no solid foundation in Christianity. When they became distinguished, many accusations were raised against them, in order to prejudice their religious profession in the view of others. Such accusations were usually met with suitable explanations. In the course of these occurrences, there occasionally appeared reasons for their dissent from others, but as such reasons were spread among controversial writings, no regular system or concentrated profession of their belief had as yet appeared. The circumstances continued until Robert Barclay, enlightened, as we believe, by the light of Christ, discovered the necessity for a remedy; hence he was impressed with a concern, to communicate to the world his ideas and judgment of the true Christian principles and doctrines of the infant society, of which he was a member; and accordingly published the work usually known by the name of Barclay’s Apology. This book the society of Friends approve. In it the reader may find a full and ample account of their belief concerning the Christian religion, and the duties which it enjoins. But the Apology being *more especially adapted*, in some particulars, *to the time which it was written*, and also requiring a very attentive examination of all its relations and dependencies, in order fully to comprehend the views of its author; it is therefore a work which we have reason to believe is, at this day, not so frequently and deliberately resorted to as we could wish. Not only strangers to the society of Friends, but many of our young people, it is believed, might be benefited by having a work more concise, and, as far as possible, adapted to the same purpose. Under these considerations I have attempted to give a summary of our profession,” &c.

So that as late as the year 1815, no form of faith, or creed, had been ever published by the society here. It will be recollected moreover, that no publication connected with the tenets of that society, was considered as at all affecting its members, unless the publication had previously received the approbation and sanction of a meeting for sufferings.

In page 52, is a passage more particularly bearing on the subject of creeds. “On the doctrine of faith,” he says, “we say with the apostle, that ‘without faith, it is impossible to please God.’ But by faith, we do not mean *a confession to any particular form of opinions*; because this would be possible to those who are in many respects reprobate concerning the faith in Christ. Neither are we of the judgment, that our ‘faith should stand in the wisdom of man, but *in the power of God.*’ 1 Cor. ii. 5. Therefore, we believe, th

the faith of a true disciple of Christ, is in a living principle, a divine and heavenly spirit, which no human means can beget in us, but which is the immediate manifestation of the eternal power and word of God. Wherefore, we conclude with the apostle Paul, 'faith cometh by hearing, and hearing by the word of God.' Rom. x. 17. This word, we believe to be the same which was in the beginning, which Moses spoke of, and which Paul adverts to and says, 'Is nigh thee, even in thy mouth, and in thy heart. That is the word of faith, which we preach.' Rom. x. 8. Those, therefore, who believe in this inward manifestation of the word, and have their spiritual ear open to hear, have come to embrace the proper object of faith, without which it is impossible to please God. To such, faith is the evidence of things not seen, the substance of things hoped for. They are, in the true and spiritual sense, the children of faithful Abraham, walking by the same rule, and minding the same thing. This is that faith by which the elders obtained a good report, and concerning which so much is said in the holy Scriptures."

And I also refer to the evidence before the court, respecting what has been said by several witnesses on the subject of an attempt to introduce a creed, under the character of "extracts," in the yearly meeting of Philadelphia, in 1823. I refer to those set forth in page 476, of the second volume of Evidence. The court will readily perceive that those extracts were made under the awakening and exciting influence of religious controversy. That controversy arose between a person assuming the name of "Paul," and published in a paper at Wilmington, in the state of Delaware, who attacked the doctrines of the society, and one who, under the signature of "Amicus," undertook to vindicate and defend them. The meeting for sufferings at Philadelphia, owing to some doctrines advanced by Amicus on the subject of the trinity, the atonement, and the Scriptures, in the progress of this controversy, had their attention directed to it; and deeming that the views thus avowed by Amicus affected the principles and character of their religious society, appointed a committee to take the subject into consideration, who reported some extracts selected from the writings of ancient Friends, which were entered on the minutes of the meeting for sufferings. This you will find in the second volume of Evidence, page 414; which is what was considered by many worthy members of the society of Friends as a creed, and as such resisted. The meeting for sufferings also prepared a minute, which they intended to be published in the paper in which the controversy had been conducted. I turn to them for the purpose of showing what were the views which they held out. It will be recollected that as to the minute, there was no diversity of opinion among the members of the meeting for sufferings; but when it appeared that those extracts were appended to it, that part containing the extracts was at once opposed. The creed and the minute formed one proceeding of the meeting for sufferings. It is necessary for this meeting to submit its minutes to the inspection and approval of the yearly meeting, before

which they are read, and either adopted or rejected as the case may be. So far as the minute alone was concerned, it was adopted by the yearly meeting. I refer to page 476, second volume of Evidence. It bears date 17th January, 1823, and purports to be signed on behalf and by direction of the representatives of the religious society of Friends in Pennsylvania, New Jersey, Delaware, and the eastern parts of Maryland, and reads thus: "A controversy having for a considerable time past been carried on in a paper printed at Wilmington, (Delaware,) styled the Christian Repository, between a person who addresses his essays to the society of Friends, and another who in replying thereto might by some be thought to write on behalf of the society, or by its countenance; we think it right to declare that we have no knowledge whatever of this author, and entirely disavow any connexion with him in this business; and desire that our religious society may not be considered as accountable for the sentiments contained in those publications. *Our profession and doctrines which we have always held, and at different times published to the world, are founded upon the principles of the Christian religion as contained in the Holy Scriptures*, as may be seen in a number of our writings already extant."

Now here in a case where a publication was made affecting, as they thought, *their principles and character as a religious body*; they deemed it of "such importance as to justify the appointment of a few friends to take the whole into solid consideration, and report their sense thereon."—[Vide minutes.]—And so far there was unity in their body. This then is the result of that "solid consideration." And what is it? Do they declare the profession and doctrines of the society in relation to the trinity, the atonement, or the Scriptures? These were the "doctrinal subjects" of the controversy between Paul and Amicus. They were discussed with great ability; and Amicus, with an ability and learning rarely equalled, supports his views by the authority of Fox, Penn, and the other ancient approved writers of the society of Friends, whom I have cited. Did they undertake to express the views or faith of the society at all on those subjects? No; they expressly declared, "Our profession and doctrines, which we have always held, and at different times published to the world, are founded upon the principles of the Christian religion as contained in the holy Scriptures, as may be seen in a number of our writings already extant."

But when they came to those extracts purporting to be from the writings of ancient Friends, their unity ceased. And why? Were they cold or indifferent as to the character and principles of their society? It is not pretended that they were. They were equally zealous, equally ardent, and equally as desirous that their society should be freed from misapprehension on this, as other subjects. But they thought that when they had gone so far as to acknowledge their faith in "the Christian religion as contained in the holy Scriptures, as might be seen in a number of their writings already extant," they had proceeded far

enough, and as far as the principles of the society, which denounces and rejects creeds or faith made by man, would allow them to go; and beyond this limit it was not proper for them to go.

I beg the court to notice particularly this embryo creed, so artfully attempted to be introduced. It is very important in this case. It is found in the second volume of Evidence, page 414, Exhibit No. 12:

“Extracts from the writings of primitive Friends, concerning the divinity of our Lord and Saviour, Jesus Christ. Published by direction of the meeting for Sufferings held in Philadelphia.

“At a meeting for Sufferings held in Philadelphia, the 17th of First-month, 1823—

“An essay, containing a few brief extracts from the writings of our primitive Friends, on several of the doctrines of the Christian religion, which have been always held, and are most surely believed by us, being produced and read; on solid consideration, they appeared so likely to be productive of benefit, if a publication thereof was made, and spread among our members generally, that the committee appointed on the printing and distribution of religious books, are directed to have a sufficient number of them struck off, and distributed accordingly; being as follows:

“We have always believed that the holy Scriptures were written by divine inspiration, that they are able to make wise unto salvation, through faith which is in Christ Jesus; for, as holy men of God spake as they were moved by the Holy Ghost, they are therefore profitable for doctrine, for reproof, for correction, for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works. But they are not, or cannot be subjected to the fallen, corrupt reason of man. We have always asserted our willingness, that all our doctrines be tried by them; and admit it as a positive maxim, that whatsoever any do (pretending to the Spirit) which is contrary to the Scriptures, be accounted and judged a delusion of the devil.

“We receive and believe in the testimony of the Scriptures, simply as it stands in the text—‘There are three that bear record in heaven, the Father, the Word, and the Holy Ghost, and these three are one.’

“We believe in the only wise, omnipotent, and everlasting God, the creator of all things in heaven and earth, and the preserver of all that he hath made, who is God over all, blessed for ever.

“The infinite and most wise God, who is the foundation, root and spring of all operation, hath wrought all things by his eternal Word and Son. This is that Word that was in the beginning with God, and was God; by whom all things were made, and without whom was not anything made that was made. Jesus Christ is the beloved and only begotten Son of God, who, in the fulness of time, through the Holy Ghost, was conceived and born of the Virgin Mary—in him we have redemption through his blood, even the forgiveness of sins. We believe that he was made a sacrifice for sin, who knew no

sin; that he was crucified for us in the flesh, was buried and rose again the third day by the power of his Father for our justification, ascended up into heaven, and now sitteth at the right hand of God.

“As then that infinite and incomprehensible fountain of life and motion, operateth in the creatures by his own eternal word and power, so no creature has access again unto him but in and by the Son, according to his own blessed declaration, ‘No man knoweth the Father but the Son, and he to whom the Son will reveal him.’ Again, ‘I am the way, the truth and the life: no man cometh unto the Father but by me.’ Hence he is the only Mediator between God and man: for having been with God from all eternity, being himself God, and also in time partaking of the nature of man; through him is the goodness and love of God conveyed to mankind, and by him again man receiveth and partaketh of these mercies.

“We acknowledge, that of ourselves we are not able to do anything that is good; neither can we procure remission of sins or justification by any act of our own; but acknowledge all to be *of* and *from* his love, which is the original and fundamental cause of our acceptance. ‘For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.’

“We firmly believe it was necessary that Christ should come, that by his death and sufferings, he might offer up himself a sacrifice to God for our sins, who his own self bare our sins in his own body upon the tree; so we believe that the remission of sins which any partake of, is only in and by virtue of that most satisfactory sacrifice, and otherwise. For it is by the obedience of that one, that the free gift is come upon all to justification. Thus Christ by his death and sufferings hath reconciled us to God, even while we are enemies; that is, offers reconciliation to us; and we are thereby put into a capacity of being reconciled. God is willing to be reconciled unto us, and ready to remit the sins that are past, if we repent.

“Jesus Christ is the intercessor and advocate with the Father in heaven, appearing in the presence of God for us, being touched with a feeling of our infirmities, sufferings, and sorrows; and also by his spirit in our hearts he maketh intercession according to the will of God, crying abba, Father. He tasted death for every man, shed his blood for all men, and is the propitiation for our sins, and not for ours only, but also for the sins of the whole world. He alone is our Redeemer and Saviour, the captain of our salvation, the promised seed who bruises the serpent’s head; the alpha and omega, the first and the last. He is our wisdom, righteousness, justification and redemption; neither is there salvation in any other; for there is no other name under heaven, given among men, whereby we may be saved.

“As he ascended far above all heavens, that he might fill all things, his fulness cannot be comprehended or contained in any finite creature, but in some measure known and experienced in us, as we are prepared to receive the same; as of his fulness we have received

grace for grace. He is both the word of faith and a quickening spirit in us, whereby he is the immediate cause, author, object and strength of our living faith in his name and power, and of the work of our salvation from sin and bondage of corruption.

“The Son of God cannot be divided from the least or lowest appearance of his own divine light or life in us, no more than the sun from its own light: nor is the sufficiency of his light within set up or mentioned in opposition to him, or to his fulness considered as in himself or without us; nor can any measure or degree of light received from Christ, be properly called the fulness of Christ, or Christ as in fulness, nor exclude him from being our complete Saviour. And where the least degree or measure of this light and life of Christ within, is sincerely waited in, followed and obeyed, there is a blessed increase of light and grace known and felt; as the path of the just, it shines more and more until the perfect day; and thereby a growing in grace, and in the knowledge of God, and of our Lord and Saviour Jesus Christ, hath been and is truly experienced.

“Wherefore we say, that whatever Christ then did, both living and dying, was of great benefit to the salvation of all that have believed, and now do, and that hereafter shall believe in him unto justification and acceptance with God; but the way to come to that faith, is to receive and obey the manifestation of his divine light and grace in the conscience, which leads men to believe and value, and not to disown or undervalue Christ, as the common sacrifice and mediator. For we do affirm, that to follow this holy light in the conscience, and to turn our minds, and bring all our deeds and thoughts to it, is the readiest, nay the only right way, to have true, living, and sanctifying faith in Christ, as he appeared in the flesh; and to discern the Lord's body, coming, and sufferings aright, and to receive any real benefit by him as our only sacrifice and mediator; according to the beloved disciple's emphatical testimony, ‘If we walk in the light, as he (God) is in the light, we have fellowship one with another, and the blood of Jesus Christ his son cleanseth us from all sin.’

“By the propitiatory sacrifice of Christ without us, we, truly repenting and believing, are, through the mercy of God, justified from the imputation of sins and transgressions that are past, as though they had never been committed: and by the mighty work of Christ within us, the power, nature, and habits of sins are destroyed; that as sin once reigned unto death, even so now grace reigneth through righteousness unto eternal life, by Jesus Christ our Lord.

“Signed on behalf of the meeting,

“JONATHAN EVANS, *Clerk.*”

This document is to be taken in connexion with the minute unanimously adopted by the committee, and sanctioned by the yearly meeting, and to be understood, they must be read together.—Second volume of Evidence, page 476.

“Exhibit No. 46. Minute of meeting for Sufferings, produced by William Evans.

“At a meeting for Sufferings, held in Philadelphia the 20th of Twelfth-month, 1822, present fifty members—

“‘A number of pieces on doctrinal subjects having been published, and also replies thereto by some person or persons unknown to us, as though it were on behalf of Friends; a controversy has thus for a long time been continued, which affects the principles and character of our religious society. Some of those pieces being brought here, and a part of them read, it appeared to be a matter of such importance as to justify the appointment of a few Friends to take the whole into solid consideration, and report their sense thereon to our next meeting; and John Cox, Jonathan Evans, Samuel P. Griffiths, John Comly, Samuel Bettle, Thomas Wistar, and Thomas Stewardson, are accordingly appointed thereto.’

“At a meeting for Sufferings, held in Philadelphia the 17th of First-month, 1823, present forty-three members—

“The committee under appointment, having given deliberate attention to the important subjects confided to them at our last meeting, produced an essay of what appeared to them as useful and expedient respecting some of our principles and doctrines; the further consideration whereof, is referred to be taken up at our adjournment, which is agreed to be at 3 o’clock this afternoon.

“About which time Friends again met.

“On renewed consideration of the business before us in the forenoon sitting, the following was, with unity and harmony, approved; and it is directed that a copy be made and forwarded to the printer at Wilmington, desiring him to annex it to the work which we understand is to contain the whole of those pieces, viz.

“A controversy having, for a considerable time past, been carried on in a paper printed at Wilmington, Del. styled the Christian Repository, between a person who addresses his essays to the Society of Friends, and another who, in replying thereto, might by some be thought to write on behalf of the society, or by its countenance; we think it right to declare, that we have no knowledge whatever of this author, and entirely disavow any connexion with him in this business; and desire that our religious society may not be considered as accountable for the sentiments contained in those publications. Our profession and doctrines which we have always held, and at different times published to the world, are founded upon the principles of the Christian religion, as contained in the holy Scriptures, as may be seen in a number of our writings already extant. •

“Signed on behalf and by direction of a meeting of the representatives of the religious Society of Friends in Pennsylvania, New Jersey, Delaware, and the eastern parts of Maryland, held in Philadelphia the 17th of First-month, 1823.

“JONATHAN EVANS, *Clerk.*”

And its insidious nature, and the caution if not the simulated pretence used to disguise the cause of raising the committee, and then to make it the moving cause of framing a creed, will be apparent, by

reading the minute that was intended and framed to justify going beyond the avowed objects thereof. In page 477, second volume of Evidence, the minute which was "approved with unity and harmony," is connected with the extracts thus: "On attending to the further part of the essay, which the committee produced, containing a few brief extracts from the writings of our primitive Friends, on several of the doctrines of the Christian religion, which have been always held, and are most surely believed by us, upon solid consideration, they appeared so likely to be productive of benefit, if a publication thereof was made, and spread among our members generally, that the committee on the printing and distribution of religious books are directed to have a number of them struck off, and distributed accordingly; being as follows, to wit."

When the yearly meeting met in April, 1823, consisting of the society itself, and not of a body of representatives, these proceedings became the subject of discussion. The society adopted that part of the minute which was approved with unity and harmony, and refused to confirm or sanction the other. It was equivalent to a rejection, and was in conformity to the uniform usage of the society's acts, who had always declined to adopt anything in the nature of a creed beyond the Scriptures, by any act in a meeting capacity.

(The court adjourned.)

Wednesday afternoon.

MR. WALL resumed:

When the court adjourned, I was endeavouring to satisfy them, that the refusal to approve the Extracts, by the yearly meeting of 1823, and the adoption of the minutes by that meeting, afforded strong and conclusive evidence that the society of Friends did not, up to that time, recognise any creed. I wish now to recall the recollection of the court to what introduced these proceedings.

The court will find on page 71, of the first volume of Evidence, the testimony of Samuel Bettle. He says: "In the year 1822, there was a discussion in a public paper published at Wilmington, Delaware, conducted under the signatures of Paul and Amicus; Paul attacking Friends, and Amicus speaking on their behalf; and in a manner, too, which showed that he was speaking for the society, clearly. After this discussion had progressed for a considerable time, Amicus avowed doctrines as parts of the Christian faith, which we could not accord with; they appeared to us of a Socinian character at least: and these essays, which first appeared in a newspaper, being about to be reprinted in the form of a book for a more extensive circulation, and a large subscription being filled for that purpose, it became the duty of the meeting for sufferings, in the regular order of their proceedings, to notice the subject: and they did so notice it by appointing a com-

mittee: that committee pursued the usual course in such cases; they prepared a statement of what were the views of Friends on the point I have alluded to. I was of that committee. We concluded it would be best to use the language of approved writers of our society; and we accordingly did so, making use of our own terms no further than was necessary to connect the subjects; making extracts from various approved authors. We produced these extracts to the meeting for sufferings. The meeting united with the report of the committee, and made a minute on the subject. A Friend was desired to call on the editor at Wilmington, who was about to publish the essays above mentioned, who did call on him, and the editor engaged to publish the minute in his newspaper, but objected to publishing anything on the subject in his book. He accordingly did publish the minute in his paper, but declined saying anything on the subject in his book for reasons which he gave; among others was this, that the subscribers would probably be dissatisfied. The meeting for sufferings, therefore, were under the necessity of publishing these extracts themselves; and they entered it on their minutes, and did print an edition of it. Now then, in the yearly meeting for 1823, when the minutes of the meeting for sufferings were read, and they are always read, these extracts from the writings of ancient Friends were read as part of them—they were on the minutes. Considerable objection was made to that part of the proceedings of the meeting for sufferings. One man said he could not unite with those doctrines; another, that they were contrary to reason, Scripture, and revelation; another went into an argument to show that the Scripture text, to wit, 'there are three that bear record in heaven,' was a disputed text; and to show that it was spurious: he appeared to me to be but a novice in the subject: he quoted Sir Isaac Newton—I think it was Sir Isaac Newton—he might or might not have mentioned his name; I gathered it from what he said. These kind of occurrences were very unusual in our meetings, they never had occurred within my knowledge. The excitement being considerable, the meeting adjourned until the next morning. When the meeting assembled next morning, it was proposed that the extracts should be stricken off the minutes of the meeting for sufferings: objection was made to that, on the ground that it would be a disavowal of the doctrines held by Friends, these extracts being taken from the writings of approved Friends. Very considerable difficulty occurred in the meeting from the persevering objections of a number of individuals, every one of whom, every individual of whom, for I sat in a position to see and know them all, have since gone off in the separation. I was at table as clerk—it was my duty to serve the meeting: perceiving the embarrassment the meeting was in, on the one hand to expunge, and on the other a desire to retain, I arose and stated to the meeting my duty and wish to act as its servant; and after presenting to the meeting the state of the case, as I apprehended it at that time, I proposed to them to avoid both difficulties by simply suspending the publi-

tion; not taking it off the minutes, and not circulating the pamphlets, but leaving the subject. This proposition was finally acquiesced in, and the business so settled."

If the court will refer to the publications made in Mosheim's History, and Dobson's Encyclopædia, (alluded to by Mr. Bettle,) they will find they were drawn with the same guarded caution, upon the doctrinal subjects now in question.

The evidence of Abraham Lower proves, that the unanimity mentioned by Mr. Bettle, was in reference to the minute. First volume, page 367:

" Q. Please to state the circumstances ?

" A. About that time a controversy existed between two persons at Wilmington, designating themselves as Paul and Amicus, in which a very severe and unjust attack was made by Paul on the Society of Friends. Amicus vindicated the society, as we generally thought, who were acquainted with the work; and it appeared from what passed from some of the members of the meeting for sufferings, Richard Jordan in particular, expressed himself as being pleased with Amicus's vindication of the society in the fore part of the defence, but when he came to treat on the doctrine of the trinity, he appeared not to be satisfied. There appeared then, or about that time, a disposition in some of the members of the meeting for sufferings, to vindicate the society from the imputation of being a party in that controversy. I communicated with Amicus on the subject, and he promptly determined to relieve the members of the society from any anxiety on that head, by assuming the responsibility himself individually, and entirely exonerating the society, as a society, from having any participation in the controversy; which was published in one of the numbers of the paper in which the controversy was carried on. I received a copy the same day of its being printed, and presented it to Jonathan Evans, clerk of the meeting for sufferings, who read it to the meeting. I thought they ought to have been satisfied with it; but it was, after a time, in the same sitting concluded, that the meeting for sufferings should send a minute, certified by their clerk, condemning the work, or at least denying their having any participation in it, and to send it to the editor of the paper for publication, which was done; but I don't recollect that it was published. I think it was not in the paper, but am not positive as to that. The minds of some of the members of that meeting appeared to be anxious that something should be done, to keep the minds of the members of the society from imbibing sentiments which seemed to be growing common among its members. The suggestion was made to get up a pamphlet to be composed of extracts from the writings of our early Friends, and from what some of us saw of the disposition of those persons who have since denominated themselves Orthodox, as I understand from the bill filed in Chancery, under which these examinations are now taken, we felt afraid that something was about to be got up calculated to trammel our conscientious rights; and when the pamphlet was pre-

pared, a small number of us expressed our dissatisfaction with the undertaking, and with the matter of the pamphlet, fearing that in the hands of arbitrary men, a construction might be given to some of the views in that pamphlet that would abridge the right of private judgment. There were, I think, ten thousand of them printed—and as the occasion seemed to me to be urgent with those who were the promoters of it, there was reason to expect that it would soon be published; but it was detained, not published. And when the minutes of the meeting for sufferings came to be read as usual in the yearly meeting, to my surprise, that pamphlet appeared to be recorded in the minutes, and when it was read the yearly meeting appeared very much dissatisfied with it. A very general expression of dissatisfaction was made—it was proposed and generally united with, and expressed, that it should be expunged from the minutes of the meeting for sufferings; but Samuel Bettle, clerk of the yearly meeting and a member of the meeting for sufferings, appeared to be very unwilling to be the servant of the meeting in that respect, urged, I think, that it would deface the minutes; but the meeting for a time appeared as if it would not be satisfied unless that was done. The clerk did not seem disposed to comply with the voice of the meeting, and it was finally left with the conclusion that it should not be published. It was considered in the light of a creed, and that by the course of having it on the minutes of the meeting for sufferings, which I think was a very unusual thing, that when the minutes should be read in the yearly meeting, and that as a part of them, that would be adopted by the society, foisted upon them in that insidious way. And from the disposition which its friends manifested toward their fellow-members of society, indicating an arbitrary disposition, Friends appeared generally satisfied, that a check was put to this successful effort. It was alleged by some one of the members of the meeting for sufferings, that there was no opposition to it when it passed the meeting for sufferings. The fact was, in the morning session of the meeting for sufferings, those of us who were opposed to it expressed that opposition, and continued it, while there was any reason to hope that opposition was availing, or could be. Benjamin Bryant in particular expressed his opposition, on the grounds of its unconstitutionality, with which I think John Comly and myself united. The meeting adjourned till afternoon. Our efforts, who were opposed, having no apparent effect, unless it were to protract its adoption, which occurred I think till afternoon, we concluded to let our Friends of an opposite judgment have their way, as they were apparently determined on it. A jealousy got up, and diffused itself over the society, from the circumstance of this insidious effort to pass a creed upon it; a society which never had a creed, and so far as my knowledge extends, and I have a pretty considerable acquaintance with the writings of our early Friends, never published anything, wrote anything, in the form of a creed for its own members; but on divers occasions published declarations of what they believed, ger-

rally by individuals, to vindicate the society from the false charges and calumnies which were published against them, in order to make it appear that they were not Christians. The society believing now, as they did in the first formation of it, that the bond of union by which it was bound together, was, and is, as Robert Barclay expresses it in his pamphlet, called, "Anarchy of the Ranters," the "life of righteousness," by which we understand, in the peculiar characteristic phraseology of the society, the living under the government of the "light within," or in other words, "Christ within." This jealousy was generally manifest, put Friends on their guard, and which was the occasion of complaints being heard of such jealousy existing from the Orthodox. Lest that meeting for sufferings should subvert the rights and privileges and order of society, several of the quarterly meetings came to the conclusion to propose, that the members of that meeting should be periodically appointed, so as to change them, or continue them once in three or four years, as they might feel disposed, in reference to the qualifications and services of their representatives in that meeting."

Here, then, you have the history of the effort to introduce a creed on the minutes of the meeting for sufferings, with the intention of afterwards prevailing on the yearly meeting to adopt it. It was signally defeated; but the effort awakened alarm, and spread shyness and dissension in the society. This is apparent from Samuel Bettle's testimony.

I draw another inference from this. Mr. Bettle states that "he knew every one" who opposed the extracts being adopted, and who were in favour of its being stricken off the minutes, and they "have all since gone off in the separation;" that is, are not in connection with the Orthodox party. It is manifest that the opposition was not on the doctrinal subjects embraced in the extracts, but on account of the *insidious attempt* thus to *palm a creed on the society*. They did not attempt to reject the doctrines of the extracts, but the effort was to put down the adoption of anything in the nature of a creed. For when Mr. Bettle suggested that if they rejected the extracts, it would be a disavowal of the writings of ancient Friends, from which they were taken, they found themselves delicately situated. If they received it, they would be adopting a creed. If they rejected it, it would be construed into an implied disowning of the writings of approved Friends, and an acknowledgment of some other creed, since the formal rejection of one creed, under the circumstances of its being presented, would be regarded as an implied adoption of another. In this delicate situation, they resolved to have the Extracts locked up, never to see the light. Up to the time of the separation, they remained in the secret archives of the society. Those Extracts never came before the public.

From other facts I infer that the society never had any formal creed. All the evidence that has been laid before the court, shows that this society admit of *birthright* membership; no society in which

there is a creed, can have birthright members. The children Presbyterians, Episcopalians, or Baptists, are not admitted to membership in their respective churches on the ground of their parents being members; they must do some act to show that they adopt accord in the distinguishing belief of the particular sect.

Again, in the admission of members into the society of Friends, *convincement*, they are admitted without any confession of faith. The inquiry is principally as to a belief in the fundamental doctrine of the society—of the light within: and whether the profession of it is a pretence or a reality, is sought to be ascertained by inquiring if it has produced the only sure evidence of its reality—a life of righteousness and purity.

In the next place, I regard it as an important fact, that in the appointment of ministers and elders, no declaration of faith is required. Samuel Bettle, in his testimony, page 75 of the first volume, states this expressly; and when we turn to the Discipline, we do not find any article in which the members of the society, either in admission or in any stage of church advancement, are required to declare the faith. It (the Discipline) is principally a rule in regard to conduct, showing that doctrines and principles are regarded as the outward bond, and a life of righteousness as the inward bond of their being together; for it deals with the outward acts and conduct of the members of the society, and is its *exterior*, not *inward* hedge of preservation.

In the first and second pages of the Introduction to the Discipline it is said, "As it hath pleased the Lord, in these latter days, by his spirit and power, to gather a people to himself, and releasing them from the *impositions and teachings* of men, to inspire them with degrees of the same universal love and good-will by which the dispensation of the gospel was ushered in, these have been engaged to meet together for the worship of God in spirit, according to the direction of the holy Lawgiver; as also for the exercise of a tender care over each other, that all may be preserved in unity of faith and practice, answerable to the description which He, the ever blessed shepherd, gave of his flock: 'By this shall all men know that ye are my disciples, if ye have love one to another.' John xiii. 35. For this important end, and as an exterior hedge of preservation to guard against the many temptations and dangers to which our situation in this world exposes us, the following rules have been occasionally adopted by the society, and now form our code of discipline: in the exercise whereof, it is to be observed, if any member be found in *conduct* subversive of its order, or repugnant to the testimonies which we believe we are entrusted with for the promotion of truth in the earth, it becomes our indispensable duty to treat with such in meekness and brotherly compassion, without unnecessary delay or improper exposure, according to the direction of our Lord to his church: 'If thy brother shall trespass against thee, go and tell him his fault.'

between thee and him alone; if he shall hear thee, thou hast gained thy brother,' ” &c.

Again, in page 20 of the same book: “It is advised, that where there is any appearance of dissension and variance, or of unkind resentment and shyness among our members, the parties be timely and tenderly apprized of the danger to which they thereby expose both themselves and others, and earnestly exhorted to mutual condescension and forgiveness, becoming the followers of Christ; and if any, notwithstanding such endeavours for their help, continue to manifest an implacable enmity to others, the overseers or other solid Friends of the preparative or monthly meeting they belong to, should be informed thereof, and labour further with them; when, if they shall prove inflexible, they ought to be testified against, *as out of the unity of the body*, the very end of whose existence is the promotion of ‘*peace on earth, and good will among men.*’ ”

So also, in pages 21 and 22, they assert the liberty of conscience as being the common right of all men, and particularly essential to the well being of all religious societies, and subject their members to being treated with for *conduct*, not faith.

In the only chapter of the Discipline which seems to treat about faith or doctrines—it is headed “Conduct and Conversation;” and after recommending to their consideration the example of “the great Captain of our salvation,” and advising that such be dealt with who are given to unseemly or scandalous practices, or guilty of gross or notorious crimes, or such other disorderly or indecent practices as shall occasion public scandal—the Discipline, under the same chapter and head, in page 24, proceeds: “If any in membership with us shall blaspheme or speak profanely of Almighty God, Christ Jesus, or the Holy Spirit, he or she ought early to be tenderly treated with for the instruction and convincement of their understanding, that they may experience repentance and forgiveness. But should any, notwithstanding this brotherly labour, persist in their error, or deny the divinity of our Lord and Saviour Jesus Christ, the immediate revelation of the Holy Spirit, or the authenticity of the Scriptures, as it is manifest they are not one in faith with us, the monthly meeting where the party belongs, having extended due care for the help and benefit of the individual without effect, ought to declare the same, and issue their testimony accordingly.”

This clause in the Discipline is of recent origin, and I believe did not exist until after the year 1796; and the court will not fail to recognise its close adherence to the statute of New Jersey, passed in that year. Revised Laws, 246: “That if any person shall wilfully blaspheme the holy name of God, by denying, cursing, or contumeliously reproaching his being or providence, or by cursing or contumeliously reproaching Jesus Christ or the Holy Ghost, or the Christian religion, or the holy word of God, that is, the canonical Scriptures contained in the books of the Old and New Testament, or by profanely scoffing at or exposing them, or any of them, to contempt and

ridicule, then every person so offending shall, on conviction, be punished," &c.

Hence it is obvious, that it is the acts or conduct of the member, that make him the subject of expulsion. If a man in New Jersey blasphemes, he is guilty of a crime; and the Discipline of the society treats the conduct of a member in openly blaspheming, &c. as cause of expulsion. Strange if it did not! But is it not also more strange, that this part of the Discipline should be referred to by Hendrickson, and gravely produced as evidence to sustain the particular creed of the Orthodox?

The Discipline, so far as it relates to doctrines, applies only to cases of *denial* (which must be an outward act) of the divinity of Christ, of the immediate revelation of the Holy Spirit, and of the authenticity of the Scriptures. It goes no further; there is nothing in it about the atonement, the trinity, or the mode of interpreting the Scriptures. And in that chapter of the Discipline, page 96, entitled, "Of the Scriptures of the Old and New Testament," it prescribes: "We tenderly and earnestly advise and exhort all parents and heads of families, that they endeavour to instruct their children and families in the *doctrines and precepts of the Christian religion as contained in the Scriptures*; and that they excite them to the diligent reading of those excellent writings, which plainly set forth the miraculous conception, birth, holy life, wonderful works, blessed example, meritorious death, and glorious resurrection, ascension, and mediation of our Lord and Saviour Jesus Christ; and to educate their children in the belief of those important truths, as well as in the belief of the inward manifestation and operation of the Holy Spirit *on their own minds*, that *they may* reap the benefit and advantage thereof for their own peace and everlasting happiness, which is infinitely preferable to all other considerations."

From this the inference is plain, that the society have not, by any discipline or outward bond, bound any one in relation to his mode of faith or belief on these subjects. The discipline of the society considers the doctrines and precepts of the Christian religion, as plainly set forth in the Scriptures, and refers to the inward manifestation and operation of the Holy Spirit in their own minds, as the sure means of reaping the benefit and advantage thereof, for their own peace and everlasting happiness. As to those great, important, and consoling truths of our holy religion, the miraculous conception, birth, holy life, wonderful works, blessed example, meritorious death, and glorious resurrection, ascension, and mediation of our Lord and Saviour Jesus Christ, it considers them as plainly set forth in the Scriptures, and to be understood by the teachings of the inward operation of the Holy Spirit in their own minds. But it does not, it could not, without denying their fundamental doctrine, prescribe a creed, or make a faith to bind the manifestation or operation of the Holy Spirit in their minds. Hence, the discipline makes it the paramount duty of parents and heads of families, to cause their children

to be instructed in the great truths contained in the Holy Scriptures, but does not prescribe the mode of faith. They well knew that the disposition of man to be wiser than his God, to fetter the mind that the sovereign Lord of conscience had created free, and to bind the conscience which owns no chains but those formed of heavenly materials, had made the Christian religion, which is one of peace and goodwill to man, seem a religion of contention, hatred, and blood.

Having endeavoured to show the doctrines of the ancient Friends and approved writers among them, on the subjects in controversy, and shown, as I trust I have, that the doctrines of the Orthodox now set forth in their bill and answer on the trinity, the atonement, and the Scriptures, were not the doctrines of ancient Friends, or if any entertained them, a large majority of them held different doctrines on those subjects, or at least that free toleration existed; it is now my duty to investigate the opinion delivered by the court below, and which we seek to reverse.

Chief Justice Ewing, in his opinion, states that he had not examined the point of doctrines. In page 58 of his opinion, he says, "and I rejoice that I have not been constrained to inquire into that charge of departure so freely and frequently urged against the members of the Green street meeting. In any remarks I have made, I am not to be understood as asserting or countenancing such a charge." But Judge Drake takes a different view of the subject. He founds his opinion upon the ground, that it was sufficiently established that the doctrines avowed by Hendrickson in his bill and answer, as the creed of the Orthodox, have been avowedly and generally held by the society of Friends, and that these doctrines are essential, important, and fundamental; and that Decow and his party, not having "made it appear" that their faith or doctrines correspond with the religious faith of the society of Friends, therefore have no right to any part of the fund in question.

Judge Drake is, I conceive, in error in the outset, in point of fact and in point of law; but with the latter I shall not trouble the court at present. He is in error as to fact—I ask attention to what he considers the point of difference between the two parties; and if it shall appear to your honours that the Judge was mistaken with regard to the ground of the dispute, his opinion will not be entitled to that deference to which otherwise it would be entitled. He started wrong.

In page 73 of the printed decision, he gives an extract from Hendrickson's answer to the bill of interpleader, and in page 75, an extract from Decow's answer, and treats them as declaring the ground of difference between the parties.

Now with all deference I submit to the court, that the learned Judge has fallen into an error, in not apprehending the true grounds taken by the respective parties in the pleadings. It will be necessary for me, therefore, with the permission of this honourable court, to give the true state of the issue. I shall thereby render myself liable to the imputation of repetition, but my duty renders it necessary for

me to incur this, rather than to leave such an error uncorrected. The Judge correctly understands and quotes the grounds upon which Joseph Hendrickson places his right, and that of the Orthodox party, to the whole fund in question, to the exclusion of Decow and his friends, as far as he has quoted them. But with submission and all proper deference to the learned Judge, it seems to me that he has mistaken the grounds upon which Decow places his right, and that of Friends.

So far as relates to doctrines, Hendrickson avers, first, what he considers to be the doctrines of the ancient society of Friends. Secondly, That the Orthodox party hold those doctrines. Thirdly, That the Friends do not, but entertain opinions entirely repugnant and contrary thereto. It further appears from the allegations of both parties, that up to the time of the division, or at all events up to the introduction of the creed in 1823, the Orthodox and the Friends were members of the same society of Friends; but Hendrickson avers that since that time, the Hicksites, as he terms them, have seceded not only from the faith, but from the religious institutions and government of the society of Friends, and that he does not believe that the Hicksites adhere to the doctrines of the Christian religion as professed by the ancient Friends, and that they seem of late unwilling to divulge their particular religious tenets, and contend that there are no particular religious doctrines held by the society of Friends; and he also alleges, that the discipline of the society, among other things, "relates to the preservation of *sound religious doctrines* among Friends, the members of the society, and among others, *especially* to the preservation of the *doctrines above stated*, as maintained by the Orthodox."

In all these allegations, Hendrickson takes the affirmative; Decow, on the contrary, in respect to all of them, is put on his defence: and it would be sufficient for him to deny the allegations, and leave the Orthodox to maintain them by proof. Decow, however, has gone farther; after, in page 51, denying "that he and his associates have seceded either from the faith or religious institutions and government of the *society of Friends*, and the ancient yearly meeting in Philadelphia;" and again in page 52, denying "that the society of Friends to which he belongs, have seceded from the faith, the religious institutions, or government of the *ancient* religious society of Friends, or from the ancient legitimate yearly meeting of the same at Philadelphia;" he, in page 51, insists "that he and the Friends associated with him, comprising full three-fourths of the original society, constitute and compose the great body of the society of Friends, which name they still adhere to, and allege that they still hold and are endeavouring to maintain the doctrines, fundamental religious principles, discipline, and rules of government of the ancient religious society of Friends, or people called Quakers;" and in page 47, he avers that he and his friends "are united in the same system of discipline, maintaining the same testimonies, and holding the same reli-

gious faith as their forefathers and the ancient society of Friends did." He then proceeds to state what he considers that faith or doctrine to be: in page 45, Decow says, in his answer, "The society of Friends acknowledge no head but Christ, and no principle of authority or government in the church, but the love and power of God operating on the heart, and thence influencing the judgment, and producing an unity of feeling, brotherly sympathy, and condescension to each other. The great fundamental principle of the society, the divine light and power operating on the soul, being acknowledged by all its members as the effective bond of union—the right of each individual to judge of the true meaning of Scripture testimony relating to the doctrines of Christianity, according to the best evidence in his own mind, uncontrolled by the arbitrary dictation of his equally fallible fellow-man, hath been as well tacitly as explicitly admitted by the society." In page 49, he insists, "that by the law and constitution of New Jersey, the rights of property are sacred and inviolable, and cannot be taken from an individual or religious association without his or their consent; and more especially, that it cannot be made to depend on the test of any religious creed *framed after its vesting*, and artfully prepared by a minority to answer its purposes." He further avers, "that the Chesterfield preparative meeting of Friends at Crosswicks, to which he belongs, is the same Chesterfield preparative meeting of Friends at Crosswicks, under whose care the said school fund was placed by the contributors thereto, and are identified with them in due and regular succession, and are a part of ~~the~~ ancient society of Friends. That *they believe* in the Christian religion, as contained in the New Testament, and as professed by ancient Friends, and adhere to the religious institutions and government of the society of Friends, bear the same cardinal testimonies as are held most important and characteristic in the said society," &c. In page 50, he submits to the court, "that the only legitimate inquiry before this court, respects the right of property to the bond and mortgage, and the money due thereon, and that neither this nor any other court have a right to institute an inquest into the consciences or faith of members of religious societies or associations, or to subject them to the ordeal of a creed prepared by those claiming adversely, in order to disfranchise or deprive them of their property or legal rights."

It is obvious, then, that Decow does avow what he considers the faith of ancient Friends, and his associates. It is first, a belief in the great fundamental principle of the society of Friends, the divine light and power of God operating on the human soul, or immediate objective revelation; and secondly, a belief in the Christian religion as contained in the New Testament, and as professed by ancient Friends. These he avers to be the fundamental truths of the society; and although he does not directly so state, his protest implies that the creed set up, in Hendrickson's bill and answer, was artfully prepared by a minority after the vesting of the fund, to answer their purposes.

But then the learned judge says there is nothing characteristic in

a belief in the "Christian religion as contained in the New Testament." With all respect to the learned judge it appears to me, that there is something *very characteristic* in a belief in the Christian religion as contained in the Scriptures. It was the character, and the only character of the professors of Christianity for more than two centuries after the death of our Saviour, and until the introduction of a word not found in the Scriptures,—the word trinity,—brought orthodoxy, and heresy, and persecution, and hatred, and malice, and fire and faggot, and blood among the professors of Christianity. All sects do not unite in believing in this religion, as contained in the Scriptures. Many make a faith for themselves out of the Scriptures: not what is contained in it. They frame it themselves. Let them. I do not deny their right. But when Fox arose, there were one hundred and seventy-six different sects, who, in the language of Stephen Crisp, had made faith and creeds, and ordered religion themselves. And the object of Fox, and Penn, and Barclay, and Crisp, and the other ancient Friends, was to "place true Christianity upon its old basis and foundation, whereon it was placed at first, for Christianity had been justled from its first foundation; for instead of loving God with all their hearts, and their neighbours as themselves, they hated them." (Stephen Crisp's Sermon, page 29.) "To love God above all things, and our neighbours as ourselves, is the sum not only of the law, but the gospel," says Barclay, page 679. And it was to restore universal Christian love and charity, that Fox preached. Barclay and Penn wrote, and so many Quaker martyrs offered their lives. It was a glorious and blessed undertaking to restore the Christian religion to be believed as contained in the Scriptures. If you strike that from the Quaker faith, you strike that which, in my humble opinion, constitutes not only its "*characteristic*," but its distinguishing excellence.

Again, Stacy Decow in his answer, page 47, affirms, "that he and his associates are united in the same system of discipline, maintain the same testimonies, and hold the same religious faith as their forefathers and the ancient religious society of Friends." Do they not, then, recognise, adopt, and entertain the faith prescribed by the discipline? Does not the whole include the parts? Was it necessary for Decow to have set forth the whole of the discipline in his answer? It is in evidence, that since the separation, each party adopt the same discipline, so far as regards what bears upon this point. Does not Decow, when, in page 51 of his answer, he insists that he and the great body of the society of Friends with whom he is associated, still hold, and endeavour to maintain and support, the doctrines, fundamental religious principles, discipline, and rules of government of the ancient religious society of Friends,—adopt the faith of the ancient society of Friends? Was it necessary that he should set forth what that faith was? Must he cover the whole ground of doctrinal subjects of Quakerism,—show their doctrine upon baptism, the Lord's supper? &c. &c. The allegation against Decow and his friends is, *substantially*, that he has departed from the faith of ancient Friends,

in relation to the trinity, the atonement, and the Scriptures: he denies that he has departed from the faith at all. Again, the judge appears to me to have erred in the outset, when, in page 76 of his opinion, he says, that "Decow distinctly advances the right of each individual to judge of the true meaning of Scripture testimony, relating to the doctrines of Christianity, according to the best evidence in his own mind." He does no such thing. What Decow says, is, "that the divine light and power operating on the soul being acknowledged by all its members as the effective bond of union, the right of each individual to judge of the true meaning of Scripture testimony, relating to the doctrine of Christianity, according to the best evidence in his own mind, uncontrolled by the arbitrary dictation of his equally fallible fellow-man, hath been as well tacitly as explicitly admitted by the society." A very different thing. Will any man deny that this right hath been as well tacitly as explicitly admitted by the society. Does not Fox, and Penn, and Barclay, and all the ancient approved writers of the society both tacitly and explicitly admit it? Do not all the yearly meeting acts of the society—the absence of creeds—the silence of the yearly meeting epistles, and the fact that nothing approaching to a creed hath ever been put forth by any members of the society in any other than Scripture language, tacitly admit it? Does not the discipline of the society explicitly admit this right in page 1 and 20, already cited? And does not the discipline also expressly admit it, when in page 96, it advises parents to educate their children in the belief of those important truths, to wit: "the doctrines and precepts of the Christian religion, as contained in the Scriptures, as well as in the belief of the inward manifestation and operation of the Holy Spirit on their own minds, that they may reap the benefit and advantage thereof." Again, the judge has erred, I think, in saying that Decow, in enumerating other objects of discipline, would give us to understand, that this is a right, (that is, to judge of the Scriptures,) the exercise of which is beyond the control of the discipline of the society. In no part of the answer can anything be found to warrant this construction. It is a gratuitous assertion, or at least a singular error of construction, but a fatal error to the rights of my clients, as it gives a complexion to the whole case, different from the truth. Decow cannot justly, I think, or fairly, be so far stultified as to admit his obedience to the discipline in one breath, and deny his obligation to conform to it in the next. Where the judge finds this construction, I know not. It is not in the answer.

Decow has declared his belief in the Christian religion, as contained in the Scriptures, and his adherence to the discipline of the society which inhibits a denial of the divinity of our Saviour, the immediate revelation of the Holy Spirit, or the authenticity of the Scriptures. He thereby adopts them as part of the faith of the society, and holds and entertains it. As well might it be pretended that he does not adhere to the other matters enumerated in the discipline, because he does not express any opinion in regard to them, individually and separately.

“But,” says the judge, in same page, “although Decow, in his answer, has, in some measure, declared the faith of the party to which he belongs, yet he denies that this, or any other court, has a right to institute an inquest into the consciences or faith of members of religious associations. But can this denial be well founded? May this fund be divided and subdivided as often as this body shall separate, and parts of it, from time to time, be diverted from its declared purpose, and appropriated to the education of the children of persons connected with other religious persuasions, or of no religion at all; and yet that no court can control it!”

How unjust is this! What a misconception, I had almost said perversion. All that Decow denies, and I beg the court to turn to it, is the *inquisitorial power of the court*. In other words, he insists that the faith of men must be shown by their *acts* or by *their professions*: and that courts cannot appeal to the conscience of the man himself to try whether he believes up to the faith he professes.

And in this enlightened age of jurisprudence, dare judge Drake, or any other judge, assert as law, that this or any other court has a right to institute an inquest into the consciences or faith of members of religious societies, or subject them to the ordeal of a creed prepared by those claiming adversely in order to disfranchise or deprive them of their property or legal rights? The denial is well founded, and I regret that it should have been misunderstood. In respect to this protest, it rests not only on the whole system of our government, our laws, and our constitution, but on the highest Quaker authority, —their discipline, and William Penn. William Penn, in his preface to Fox’s Journal, already cited, page 32, says, that neither temporal or ecclesiastical courts have a right to prescribe anything in regard to faith or worship; and that the attempt is “never to be submitted to.” Strong language for a Friend.

Barclay, on whom so much dependence is placed by the opposite side, has, in page 241, (already cited,) denied the right of the church to interfere about doctrines or principles, as such, unless accompanied by a manifestation that a member hath broken the inward bond by a departure from the life of righteousness.

The history of the society shows that they have always maintained, that no human tribunal has a right to institute an inquisition into their principles of belief.

The glorious principle that no man or body of men have a right to rule over men’s consciences in religious matters, was first incorporated in civil institutions by Quakers; and it has been steadily maintained by them ever since, and forms a fundamental article of their discipline.

In vol. 3, Page’s Chancery Reports, page 296, will be found a strong case on this point; and as the opinion of the court cannot well be abridged, I shall read it at length. (Here the learned counsel read the opinion at length, and then resumed his argument.)

Here we have the opinion of an enlightened judge, that a temporal

court has no right to inquire into spiritual matters. The principle is, that societies are to be tested by their professions, or by their acts; and that no court has a right to establish an inquisition into the belief of any individual. If he professes to adopt and entertain the faith and hold to the discipline of the society, it is enough, unless he can be met by overt acts. Decow does not assert, nor have his counsel ever pretended that the court cannot inquire into the badges of distinction by which the society of Friends are known, or that they may not notice religious opinions as facts pointing out the ownership of property. It is the mode of arriving at these facts, that creates the dispute. We deny the power of any court to compel a party, who professes to belong to that society, to answer as to his belief in the particular tenets of that society. You cannot compel an Episcopalian, who professes to believe in the faith of that church, to state the mode of his belief in any or all of the thirty-nine articles; nor a Calvinist, &c. as to their confessions of faith. You may prove by competent evidence what those articles and faith are, and you may prove by the acts or professions of members or societies their belief; farther you cannot lawfully or constitutionally go. What we deny, is the right to subject a man to the mental torture of interrogation, as to how he understands what he acknowledges to be the characteristic badge of his society, or tenets of *belief* or profession.

But how can either Joseph Hendrickson or Stacy Decow undertake to say what is the belief of the society, on points in which the society has not thought fit to make an avowal of its belief. It is true, Joseph Hendrickson has done so. He had more nerve than Stacy Decow; and he not only avows what is the belief of ancient Friends, of the Orthodox, and of those he calls Hicksites, but what they do not believe. But could Stacy Decow have gone further than he did go, with propriety? He states what he considers to be the fundamental truths of the society, and refers to the belief of ancient Friends. He could not undertake to steer his course through all the conflicting opinions contained in the books of the approved writers of the society. It would have been very rash and very presumptuous in him to attempt it. He thought himself bound, simply to declare that he believed the doctrines of Friends, as he understood them. And could he go further? In point of prudence, he ought not to have gone further. In point of conscience, he could not go further. In point of law, he could not be compelled to go further.

In a report to the legislature of Virginia, made by the venerable patriot, James Madison, in 1785, there is a passage in accordance with the views I have endeavoured to sustain. It will be found in the twelfth volume of Niles' Register, page 295.

“Before any man can be considered a member of civil society, he must be considered a subject of the Governor of the universe. A member of civil society, who enters into any subordinate association, must always do it with a reservation of his duty to the general authority. Much more must any man who becomes of any particular civil

“But,” says the judge, in same page, “although Decow, in his answer, has, in some measure, declared the faith of the party to which he belongs, yet he denies that this, or any other court, has a right to institute an inquest into the consciences or faith of members of religious associations. But can this denial be well founded? May this fund be divided and subdivided as often as this body shall separate, and parts of it, from time to time, be diverted from its declared purpose, and appropriated to the education of the children of persons connected with other religious persuasions, or of no religion at all; and yet that no court can control it!”

How unjust is this! What a misconception, I had almost said perversion. All that Decow denies, and I beg the court to turn to it, is the *inquisitorial power of the court*. In other words, he insists that the faith of men must be shown by their *acts* or by *their professions*: and that courts cannot appeal to the conscience of the man himself to try whether he believes up to the faith he professes.

And in this enlightened age of jurisprudence, dare judge Drake, or any other judge, assert as law, that this or any other court has a right to institute an inquest into the consciences or faith of members of religious societies, or subject them to the ordeal of a creed prepared by those claiming adversely in order to disfranchise or deprive them of their property or legal rights? The denial is well founded, and I regret that it should have been misunderstood. In respect to this protest, it rests not only on the whole system of our government, our laws, and our constitution, but on the highest Quaker authority,—their discipline, and William Penn. William Penn, in his preface to Fox’s Journal, already cited, page 32, says, that neither temporal or ecclesiastical courts have a right to prescribe anything in regard to faith or worship; and that the attempt is “never to be submitted to.” Strong language for a Friend.

Barclay, on whom so much dependence is placed by the opposite side, has, in page 241, (already cited,) denied the right of the church to interfere about doctrines or principles, as such, unless accompanied by a manifestation that a member hath broken the inward bond by a departure from the life of righteousness.

The history of the society shows that they have always maintained, that no human tribunal has a right to institute an inquisition into their principles of belief.

The glorious principle that no man or body of men have a right to rule over men’s consciences in religious matters, was first incorporated in civil institutions by Quakers; and it has been steadily maintained by them ever since, and forms a fundamental article of their discipline.

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society, do it with a saving of his allegiance to his universal Sovereign. We maintain, therefore, in matters of religion, no man's right is affected by the institution of civil society, and that religion is wholly exempt from its cognizance." It is a powerful argument to sustain the broad and enlightened doctrines of the first Quaker settlers of New Jersey, in laying the foundations of civil government upon the political axiom, "That men have no power to rule over man's conscience in religious matters."

The court will find on reference to 1st Swift's System, page 142, that that learned and enlightened jurist does not think it necessary, that all the members of a congregation should believe alike, to render their worship sincere and acceptable to God.

The cases of the Commonwealth *versus* Eberle, and of Riddle *versus* Stevens, also prove my position.

The 18th article of the constitution of New Jersey, and the first article of the amendment to the constitution of the United States, provide for absolute freedom of religious opinion, and maintain the protest of Decow. In fine, it is supported by the whole foundations and fabric of our civil institutions.

The protest, then, which was advanced by Stacy Decow against an inquisition into doctrines, rests on the most solid foundation; it rests on principles avowed in all our constitutions.

The same principle is recognized also by the legislature of New Jersey in various acts. In relation to affirmations, it is put entirely on the allegation of the individual. The court cannot make a scrutiny into his conscience, to ascertain how he is conscientiously scrupulous of taking an oath. His profession is sufficient.

We have an act to punish persons who disturb meetings for religious worship. Would it be lawful, when a person is arraigned for violating the act, to defend himself by attempting to show that although they professed to meet and did meet for religious worship, that their mode of worship did not conform to his ideas of religious worship, or by showing how they worshipped?

We have an act to incorporate any congregation of Christians, on their own application. Have we a right to institute an inquest into their consciences when they apply, to ascertain if they are really Christians? Many devout Christians hold that those who do not believe in the Calvinistic confession of faith, are not Christians; others, that those who do not believe in a trinity of three distinct persons in the Godhead, are not Christians. Nay, I believe that some think that those who do not believe in the doctrine of transubstantiation, or the infallibility of the pope, are not Christians. May a court institute an inquest into the consciences or faith of the members, or subject them to the ordeal of a creed, to ascertain whether they are Christians? Do we not take their simple declaration of the fact as sufficient?

Stacy Decow and his friends have not, however, as Judge Drake erroneously supposes, ever denied the right of the court to inquire

into the bond of faith by which they are united, but only the right of the court to institute an inquest into the consciences of members, to ascertain if they believe up to that bond which they profess to hold to.

The judge refers, in page 77, to Lord Eldon's opinion, that "a court cannot take notice of religious opinions, with a view to decide whether they are right or wrong, but it may notice them as facts, pointing out the ownership of property." This we may admit for the sake of argument. What we object to is an inquisition into the consciences or faith of individual members, as to their mode of belief. When Stacy Decow declared his belief of the doctrines of the society, as held by ancient Friends, his declaration should have been received as *prima facie* evidence of the fact. The court had no right to go further, and the facts must be proved *aliunde*.

"In searching for the doctrines of this society," says the judge, in the same page, "it is, in my opinion, not necessary to inquire whether there were any differences of opinion among their ancient writers, provided the society had for a long time before this fund was established, promulgated as a body their religious doctrines, and had settled down in harmony under them."

In this, the judge differs from both the parties in this controversy. In both the bill and interpleader, in which the Orthodox claim the property, they claim it as holding the doctrines of the ancient society of Friends. Hendrickson, in page 34, alleges that "although the society have never issued a formal creed, or regular confession of faith, yet they have established religious doctrines as above mentioned, which are to be found in their ancient and approved writers;" and that *their* discipline relates to the preservation of those sound religious doctrines. Here, then, Hendrickson not only admits that the society have no formal creed, or regular confession of faith, but he places his exclusive right to the fund in question, upon holding the religious doctrines of the society, to be found in their ancient and approved writers. Yet the learned judge, in the outset of this important argument, puts himself, and decides the cause, on another point, on which the parties had not placed their rights, and which was not in issue: neither party placed themselves on the doctrines of modern Friends. Hendrickson not only makes his claim, upon the identity of the faith of the Orthodox with ancient Friends, but he particularizes his mode of proving that faith: 1. By the approved writers; 2. By the discipline.

The judge seems to have fallen into an error throughout. He speaks, in the same page, of the society as being composed originally of persons who found themselves "drawn together by a unity of faith and feeling." Herein he differs from Barclay, an approved writer referred to by the Orthodox, who says expressly, that the society of Friends "were not gathered together by a unity of opinions, or by a tedious or particular disquisition of notions and opinions, requiring an assent to them, and binding themselves by leagues and covenants

thereto. But the manner of their gathering was by a secret want, which many truly tender and serious souls in divers and sundry sects found in themselves, which put each sect upon something beyond all opinion, which might satisfy their weary souls, even the revelation of God's righteous judgment in the heart, to burn up the unrighteous root and fruits thereof: that the same being destroyed and done away, the inward peace and joy of the Holy Spirit in the soul might be felt to abound, and thence power and life to follow Him in all his commandments; and so many came to be joined and united together in heart and spirit in this one life of righteousness, who had long been wandering in several sects, and by the inward unity came to be gathered in one body; from whence, by degrees, they came to find themselves agreed in the plain and simple doctrines of Christ." Barclay, 698.

Again, he says, those "whose fellowship stands merely in judgment and in that which reacheth the understanding, and so are joined together in and for one opinion, are only to be esteemed a sect, however true their notions may be supposed to be. For the true principles and doctrines of Christ, albeit they do truly reach the understanding and require its assent, yet they are of an operative nature." Ib. 697.

The judge tells you, "They called themselves Christians and Protestants, but appear to have required from those seeking to become united with them, no formal profession of faith as a test of principle to qualify them for admission; looking at their works as evidence of their Christian faith, and their practice and support of their peculiar testimonies, as evidence of their Quakerism." This view is true, but it appears to me that the judge forgets it, as soon as stated.

But he adds, "As they increased in numbers, and attracted the attention of the civil authorities, their principles became the subject of inquiry and of misrepresentation, by reason of which they were exposed to reproach and persecution, and it became necessary for them to come out and avow their leading doctrines to the world. This was done by their leaders and principal men, professing to act on behalf of the society on several occasions."

His honour must, I think, have read the works which lie before us with but little profit, when he states this. The Friends have no leaders and principal men. They have never acknowledged, but always disclaimed the right of any man or men to avow, on the part of the society, leading doctrines beyond what I have stated. Yet the judge talks of their *leaders* and principal men professing to act on the part of the society. The enemies of the society used at the beginning to call them *Foxonians*: but they disclaimed the name. They repudiated the name of an individual, or any leading man; they claimed Christ as their only leader and head. The judge's judgment has been perverted by the testimony, where the witnesses speak of weight and influence, as something different from weight of argument and influence of reason. He is also contradicted by the testimony of the Orthodox themselves. Samuel Bettle, Thomas Willis; and even Thomas Evans, all reject the right of an individual Friend, *however approved or esteemed*, even Fox himself, to bind the society.

The judge proceeds in the same page to declare, that "George Fox, who is generally regarded as the founder of the sect, travelling in the island of Barbadoes, being assailed with these misrepresentations, and especially with this, 'that they denied God, Christ Jesus, and the Scriptures of truth;' with some other Friends, drew up a paper to go forth in the name of the people called Quakers, for the clearing of truth and Friends from these false reports. It was addressed to the Governor of Barbadoes, with his council and assembly. In this paper the belief of Friends in God, the divinity and atonement of Jesus Christ, and the inspiration of the Scriptures, is most fully avowed."

Here I must take the liberty of differing from the judge, if he interprets that declaration of George Fox, as an avowal of his entertaining a belief on these subjects of the Orthodox creed, similar to that entertained by trinitarians generally, and now avowed by the Orthodox. George Fox did, indeed, in common with other Friends, believe in God, the divinity and atonement of Jesus Christ, and the inspiration of the Scriptures, but in declaring his belief, he used only Scripture language. But admitting that George Fox may have been placed in a situation in which he deemed it necessary to put forth a creed: it was the act of George Fox. It was done neither in Europe nor on the continent of America, and it never has received the sanction of *any yearly meeting*. It was the simple act of George Fox, and those who signed it.

George Keith did, indeed, in 1692, publish a Confession of Faith. He published his creed. And there is a singular coincidence to be found not only in the faith, but in the conduct of George Keith, and of those who have recently endeavoured to palm a creed on the society. George Keith was then a member, who wished that some declaration of faith should be issued which should be binding on the society. Surely then, the society could not at that time have had a creed, or so learned a man as George Keith is acknowledged by all to have been, would and must have known it. So adverse were the body of the society to anything of the kind, that the attempt ultimately led to a separation between him and the great body of Friends, and to his expulsion.

It is true that something like a creed was once published in Rhode Island: but it was published only to be discarded.

The judge then adverts to an act of the British parliament passed in 1689, exempting Protestant Dissenters from certain penalties, by which the Quakers had suffered for many years: and says, that to obtain the benefit of this exemption, they subscribed, among other articles, the following: "I, A. B., profess faith in God the Father, and in Jesus Christ, his eternal son, the true God, and in the Holy Spirit, one God, blessed forevermore: and do acknowledge the holy Scriptures of the Old and New Testament, to be by divine inspiration."

Now there is nothing here but Scriptural language, and what we in our answer and our discipline avow. But if it were different, it

would be unfair to draw inferences from the declarations of men, who because they were coerced, were forced to yield the absolute freedom of conscience in religious matters, to enjoy ordinary civil rights. How the screws of civil government may affect men is well known. But as we were never under constraint, it cannot be shown that we ever did adopt such an article as that here set forth. Nay, before, and at this time, the American Quakers were reposing under the shade of the tree of civil and religious liberty which they had planted in the forests of New Jersey and Pennsylvania.

The judge says, the historian adds, "we now see the religion of the Quakers acknowledged and tolerated by an act of parliament."

How far, I ask, does the article, through a subscription to which an exemption from penalties was obtained, go? It was a mere expression in general terms, of what Friends have always professed. The act was a general one, and meant for all dissenters. The very men who composed the society of Friends at that time in England, and who signed this article, would have submitted to anything rather than profess the common doctrine of the trinity, the atonement, and the plenary inspiration of the Scriptures. Their enemies always charged them with still entertaining their peculiar sentiments, because they were not required and did not profess their mode of belief in the Father, Son, and Holy Ghost, the atonement, and the Scriptures. William Penn, no doubt, subscribed those articles, and so did Whitehead and others, and we have seen what continued to be their belief.

In 1693, says the judge, page 78, the doctrines of the society being misrepresented by George Keith and others, "they found themselves obliged to put forth their faith anew in print, which they had often before asserted, both in words and writing, thereby to manifest that their belief was really Orthodox, and agreeable with the holy Scriptures. And being charged with some Socinian notions, a short confession of faith, signed by one-and-thirty persons, of which George Whitehead was one, was, in December following, presented to the parliament."

It was in this country, that George Keith was expelled from the society. Did the society of Friends, when attacked on account of his misrepresentations, form and publish their creed? They did not. All that was done in consequence, was the act of individuals. Nothing beyond the disownment of George Keith was published by the society here.

The British declaration, signed by George Whitehead and others was simply in Scripture language. From it, therefore, nothing can be inferred in favour of the party opposed to us on the present occasion. Besides, it was merely the act of individuals, and not of *the society*, as a declaration of its faith. Against this the society has ever carefully guarded.

"At that time," says the judge, "and afterwards, the society of Friends in this country, acknowledged the London yearly meeting

as their head, and appeals were taken from their meetings in this country and decided there."

This is a very singular inference that the judge has drawn from Proud's History of Pennsylvania, namely, that the yearly meeting of Philadelphia and Burlington, was in dependence on the yearly meeting of London. By a recurrence to that history, it does not prove such to have been the fact. On the contrary, it appears, that the proceeding of the yearly meeting in London was original, and not appellate.

There is no fact or historical document extant, that will show a dependence of one of these yearly meetings on the other. They were always independent. One had no right to interfere with the other, and never did. Their connexion was voluntary, as independent bodies, and by brotherly correspondence. When members came to this country from England, they were received on certificate, which was regarded as evidence of their being in unity with Friends. On this certificate, they might or might not be received. It did not entitle them to admission into all the privileges of the society as matter of right, without residence.

A minister of the society of Friends coming from England, would be admitted to preach in the meetings here; but it would be in the same way as an Episcopalian, Presbyterian, or Baptist, coming from Europe, would be allowed to preach in the churches of his denomination in this country—as a matter of courtesy, not of right.

"Barclay," says the judge, page 79, "published a Catechism and Confession of Faith, which purport to contain 'a true and faithful account of the principles and doctrines which are most surely believed by the church of Christ, in Great Britain and Ireland, who are reproachfully called by the name of Quakers.' In them, the doctrines above mentioned, are most fully and explicitly taught and professed. It is in evidence, that Barclay's Apology, and his Catechism and Confession of Faith, purporting as aforesaid, have been published and circulated by the Philadelphia yearly meeting, by the use of its own funds, and as their minutes express, 'for the service of truth,' as early as the year 1701, and on several occasions since."

What the object of Barclay was in publishing his Confession of Faith, appears from his own declaration, in his preface to the reader, page 119, of the folio edition of his works.

Barclay here acknowledges he uses only scriptural terms. Now, when a man professes that he believes in the Christian religion as contained in the Scriptures, he must necessarily believe in a catechism and confession of faith, expressed in scriptural terms, or the whole does not include a part.

If the judge would infer from this that the Friends believed in the doctrines of the trinity, and the atonement, and the plenary inspiration of the Scriptures, as held by other sects, or as now professed by the Orthodox, he might, from the words of the catechism, infer that Friends believed in water-baptism, and the administration

of the sacrament, as held by other trinitarian sects; for the texts are introduced which are commonly quoted in support of these ordinances. And I believe it will be found that his catechism and confession of faith contain the very texts, that the Roman Catholics refer to in support of their doctrine of transubstantiation. Barclay put down simply texts of Scripture in his catechism, leaving it to the members of the society to put that construction on the words to which they should be led by the light within, which he acknowledges to be the primary rule in the interpretation of the Scriptures. Barclay 260. 2 Penn 472, 37.

I do not attach any weight to the minutes of the meeting for sufferings, and of the yearly meeting, to which the judge has referred. They are in possession of our adversaries. They had notice to bring them before the court. They did not bring them. They did not allow us a full opportunity to examine them. It is probable, if we had such an opportunity, we should find something in the minutes in relation to George Keith, which would throw strong light on this case. The whole of a document does not always suit a litigant party. It is very convenient at times, to substitute the frail memory of witnesses for the certainty of written evidence. And it is a sound rule of ethics as well as law, that a party who has the best evidence in his possession, shall not be permitted to resort to inferior, and that he who has it in his power to produce it and does not, shall not be admitted to withhold it and substitute the inferior or secondary in its place. It is not lawful evidence, and must be entirely rejected; and this very case furnishes pregnant evidence of the wisdom of the rule.

The book of evidence in this cause, and the discipline, establish the fact, that in 1681, the yearly meeting was established at Burlington. Yet according to the testimony of one witness, Thomas Evans, founded on his construction of certain garbled minutes from the ancient records of that meeting, this event, so interesting to the whole community of Friends, did not occur till the year 1686.

So, in relation to the laying down of monthly meetings, one witness, relying on his memory, said a monthly meeting had been laid down by the yearly meeting in London without its own consent, and referred to Griffith's Journal to prove it. Yet when we refer to the book itself, it shows that the consent of the inferior meeting was first obtained.

There was another instance, in which it was asserted that a monthly meeting within the limits of the Baltimore yearly meeting, had been laid down by that yearly meeting, without its own consent; but here again, when documents are examined, it is found consent had been obtained previously of the monthly meeting. Such is the fallibility of the human memory. I advert to it to show the importance of the documents withheld by an interested party, and that law rejects such secondary testimony altogether.

The judge refers to the correspondence of Elias Hicks with Phœbe

and Thomas Willis. It will be recollected, that this correspondence was begun by Phoebe Willis, and then continued with Thomas Willis. Then, by an agreement between Thomas Willis and Elias Hicks, the original letters were returned. Yet Thomas Willis thought proper to take copies of these letters without the knowledge of Elias Hicks, and they are now produced as evidence. I make no comment on such conduct. It carries its own commentary to honest minds—need I say that such evidence cannot be listened to, in a court of equity?

These letters remained unpublished during the life of Elias Hicks. Thomas Willis waits till after the death of Hicks—till after the separation takes place. Then by an *ex post facto* operation, they are made to produce their *pernicious* effect. This is a kind of imputative sin, of which I never heard before; and I specially wonder that the judge should rely on letters obtained in this way, as evidence. It is the more to be wondered at, as Elias Hicks resided out of the bounds of the Philadelphia yearly meeting, and as far as the evidence shows, it does not appear that any member of the Chesterfield meeting ever heard him even preach, or had any communion with him. The testimony at least proves nothing of the kind.

The judge then proceeds to say, that “The society of Friends have treated the Scripture with a degree of reverence, uncommon even among Christians. Feeling it presumptuous to *speculate* upon what is obscure, they have in *doctrinal matters*, adopted its explicit language, but reject the ingenious deductions of men.”

Well, are we to be deprived of our rights for treating the Scriptures with a degree of reverence even uncommon among Christians? Because we believe in the doctrines of Scripture, as expressed in the words of Scripture. Because we feel it presumptuous to speculate upon what is obscure, and reject the ingenious deductions of men. The passages cited from Barclay’s Catechism, &c. cannot be of more weight than the whole Scriptures of which they are a part, and in the very language too of the Scriptures.

I beg the court not to forget this admission of the judge. It seems to me to settle the whole dispute. He admits, that in doctrinal matters, Friends used the language of Scripture and rejected the ingenious deductions of men. That they thought it presumptuous to speculate upon what was obscure—yet the judge adopts the speculations and ingenious deductions of the Orthodox, as containing the doctrines of Friends—how inconsistent!

“Christians have become separated into various sects, differing more or less in their doctrines. In looking at the history of these sects, I am by no means convinced that there was, in the nature of things, any necessity for all the divisions which have taken place.”

Nor am I. But what then? are Friends to be compelled by courts to resort to “the ingenious deductions of men,” upon what is “obscure in doctrinal matters,” and to become a sect; to avoid which, was the chief and first principle of their agreeing in the plain and

simple doctrines of Christ—"the inward sense that tied them together."

"Many of the controversies in the church, have doubtless arisen from minute and subtile distinctions in doctrine, which have been maintained, not only with much ingenuity, but with much obstinacy and pride, and which, by this mixture of human frailty, have been the cause of angry, and often bloody dissensions. And whenever the civil government, or the prevailing party in a religious society, have framed creeds, and required professions of faith, descending to these minute points, it has necessarily caused the separation of those, or at least the honest part of them, who could not believe up to the precise line of orthodoxy."

Here the causes of the church divisions which have produced such pernicious consequences, are correctly stated. They are to be found in the forming of creeds, and the attempts to compel men to "*believe up* to the precise line of orthodoxy." And yet, with all these bloody dissensions caused by orthodoxy before him, the judge does not hesitate to decree a forfeiture of our rights, not because we did not believe up to the standard of orthodoxy, for we professed so to believe, and there was no evidence to the contrary; but because it is not "made to appear" that our opinions "correspond with the religious faith of the society of Friends!"

"But," he continues, "although unnecessary divisions have taken place, it by no means follows that there are not some points of faith, which must be agreed in, in order that a religious society may harmonize in their public worship. Of this description, is the belief in the atonement and divine nature of Jesus Christ."

Here the judge decides, that a belief in the atonement and the divine nature of Jesus Christ, are necessary in order that a religious society may harmonize in their public worship. Did it not occur to him, that the question was not, what ought to be agreed on thus to harmonize, but what was. You must prove, not assume, the faith of the society of Friends; and by the proof referred to by our adversaries. Thank God, courts cannot order faith for us; let them, let the judge prove, that the ancient society of Friends believed in those points of faith, as set forth in the bill and answer, and considered them essential to religious fellowship. They have not, and cannot do so.

"And with respect to the inspiration of the Scriptures," adds the judge, "the belief in the divine nature and atonement of Jesus Christ, and indeed, of the Christian religion itself, is intimately connected with that of the divine authority of the sacred writings. 'Great are the mysteries of godliness.' And of all the truths declared in holy writ, none are more mysterious than the nature, history, and offices of Jesus Christ."

Well, then, why require us to fathom those mysteries. Why not allow us to receive them as they are delivered to us. Why not leave us the humble consolation, of not being wiser than what is written?

But here again the judge assumes, what is necessary to a belief in the Christian religion. He attempts to make a faith, and yet leaves us involved in all the mysteries of the holy writ. Surely he does not mean to prescribe how, and in what manner, we must believe in the divine nature and atonement of Jesus Christ. May we not, I ask, believe as our forefathers believed, without forfeiting our civil rights?

“The mind that contemplates these truths as based in mere human testimony, must range in doubt and perplexity, or take refuge in infidelity. But if they are regarded as the truths of God, the pride of human reason is humbled before them. It afterwards exerts its powers to understand, and to apply, but not to overthrow them.”

Now, can the judge be understood to mean, that the society of Friends is engaged in an attempt to overthrow the Scriptures. If this is his meaning, he is in great error. We profess to believe in the Christian religion as contained in the Scriptures, and this is distinctly set forth in the bill of interpleader, and Decow’s answer thereto. Yet he brings forward this accusation, as if we designed to overthrow them. We do not profess to believe contrary to the Scriptures, or to interpret them contrary to their meaning, but by the light which guided our fathers, which is a faithful witness and an unerring guide.

A little further, in page 82, he says: “A periodical inquiry is directed to be made, whether their ministers are sound in word and doctrine.”

Here he speaks as if we had not the same discipline as the Orthodox. We have the same discipline, and consequently the same rule, and act upon it. But the object of the judge is to prove what is soundness of *doctrine*, and he ends just where he started. Does this prove the point to be proved, that soundness of doctrine in the ministers and elders consists in believing the Orthodox creed on the subject of the trinity, the atonement, and the Scriptures. If so, how, and where is it proved? It cannot be assumed. The discipline is silent; the proceedings of the society are silent; the approved writers disagree. Does it not rather tend to prove what we assert, that these great subjects are not the doctrines alluded to, but the fundamental truths recognised explicitly by the discipline, the acts of the society, and their approved writers, all in unity—the Christian religion as contained in the Scriptures, and the inward light?

“I have before said, that their great regard for the Scriptures, and desire to comply with them literally, is the foundation of their peculiar testimonies. *These* are acknowledged by Decow and his party, to be essential, and a departure from them a ground of disownment.”

Here an acknowledgment is made, that we have the same belief as they, yet this is presented as an argument against us, because we acknowledge them. Unfortunate Decow! your silence is proof, and your acknowledgment of a fact is proof of the contrary of what it imports.

“When their writers would defend these testimonies, they do not refer us to the light within. They do not say that this has taught them that oaths are unlawful, &c. But they point to passages of Scripture, as authority, and *undoubted* authority, on these subjects. But why are they authority? Because they are the truth of man? No. Friends spurn at the dictation of their equally fallible fellow-man. But because they are the truth of God. Or, in the language of Fox, “We call the holy Scriptures, as Christ, the apostles, and holy men of God called them, the words of God.”

Yet the learned judge would have us believe only what is contained in Barclay’s Confession and Catechism. We must not be allowed to take the whole range of Scripture; but we must be confined to a few passages. But is it not manifest from the approved writers of ancient Friends, from Fox, Penn, Barclay, and others, that ancient Friends did not call the Scriptures “the word of God?” But they called “the light within,” “the inward power,” “the inward spiritual law engraven in the heart,” the word of God. And they considered the letter of the Scriptures as outward, the mere declaration of good things, but not the things themselves. Hence the “Spirit” is primary, “and is that guide by which saints are led into all truth;” and the Scriptures are secondary, but a corroborative evidence and testimony of the Spirit’s teachings and guidings. It was the “divine light,” as “the more sure word of prophecy,” that was to lead them, naturally, to the rising of “the day-star,” to a more glorious manifestation thereof.

I do not think it necessary to go through the whole opinion. But it is proper to notice that part of it, in which the judge declares that the denial of certain doctrines has always been a ground of disownment.

In the sense in which he intends it, I regard this as a *non sequitur* from the passages which he quotes, and the instances to which he alludes. Stacy Decow and his friends cannot be disowned because they believe in the Scriptures, but do not believe in the human constructions of them.

Again, the judge says, in page 84, that the object of the Discipline is declared to be, “that all may be preserved in unity of faith and practice.” And he asks, “What is unity of faith? Does it not require unity of interpretation, unity of views of the meaning of the texts of Scripture involving important doctrines?”

I answer these questions of the judge by the Discipline itself. He will find it in juxta-position to the extract he has made. It is a unity of faith in the spirit and power of God, which gathered this society as a people to himself, and releasing them from the *teachings and impositions* of men, inspired them with degrees of the same universal love and good-will by which the dispensation of the gospel was ushered in. It is an *unity* of faith, answerable to the description the ever blessed Shepherd gave of his flock: “By this shall all men know that ye are my disciples, if ye have love one to another.” I answer him

in the words of Barclay. It is an unity of faith in the universal preaching of this inward power to all, and directing all unto it, that they longed for, and felt to give them victory over sin, and brings the peace that follows thereon, whereby an *inward*, thorough, and *real* redemption may be wrought in the hearts of all men, of whatsoever nation, country, or kindred they be. They believed, with Stephen Crisp, that people let in the principles of *error and heresy* into their hearts, and that those principles come into the heart, and have a seat in the heart; and that if the heart and soul was given up to God, it would keep out error and heresy. Hence their Discipline deals only with such departure from faith, as shows that the inward unity in heart and spirit in the one life of righteousness, is broken; which is proved by their outward acts and conduct.

(Court adjourned.)

Thursday morning, August 1st.

MR. WALL resumed:

May it please your honours, I was reviewing the opinion of Justice Drake, at the adjournment of the court last evening. He says, in page 84, "But do the Arch street meeting and its subordinate meetings, hold to these doctrines? (that is, the Orthodox doctrines.) It is so alleged, and it is not denied. The denial, if it be one at all, is that these are the established doctrines of the society of Friends. The controversies between the parties, so far as they were doctrinal, show that the party called Orthodox, insisted on these doctrines. The offensive Extracts of the meeting for sufferings declare them, and these have been published by the yearly meeting of that party, in 1828, and there is much testimony by witnesses that the Arch street meeting adheres to them, and none to the contrary. So that it appears to me, that Hendrickson has sufficiently established that the preparative meeting at Chesterfield, which he represents, may, so far as respects doctrine, fully be considered of the society of Friends." But is there any proof that the members of the Orthodox Chesterfield preparative meeting entertain these opinions, except from the fact of their being connected with the Arch street yearly meeting? There is not the slightest. This connection, then, is the *conduit pipe* by which Orthodoxy is brought down from the Arch street yearly meeting, in Philadelphia, to the Chesterfield preparative meeting, at Crosswicks.

In page 85, the judge proceeds: "But it is insisted that the other party stands on equal ground in this respect. That they are now, or certainly have been in unity, with that society—a society in which no public declaration of faith is necessary—and that hence, independent of any proof they may have offered, they are to be presumed

sound in the faith; and that any inquiry into their doctrines, further than as they have publicly declared them, is inquisitorial, and an invasion of their rights of conscience."

I do not understand the judge as denying the proposition, that where a separation takes place in a society theretofore united in doctrines and in faith, that both are to be presumed to adhere to those doctrines, even after the separation, till the contrary is shown to be the case. Indeed, it seems too plain to admit of denial. Having, therefore, become entitled to or possessed of those rights, he who attempts to divest another, must take the *onus* of proof upon himself. He might show affirmatively, a departure from those principles which were held by the society previous to the separation. No such departure can be inferred. All presumptions of law and common sense are against such inference. And though, as I have said, I do not understand the judge as directly denying this position, yet he has done so indirectly in the following passage, page 85: "If a fact be necessary to be ascertained by this court, for the purpose of settling a question, it is the duty of the court to ascertain it, and this must be done by such evidence as the nature of the case admits of."

True; and are not the presumptions of law such evidence? And are they not to weigh until overcome and displaced by higher and better evidence? We admit the right of the court to inquire into the doctrines on which the society was established. So far we agree. But this inquiry has limits; it must be prosecuted by lawful evidence, and within the issue. Hendrickson has made the issue. He acknowledges, in page 34, and the judge admits it, that the society has no regular creed, or formal confession of faith; and avers that the doctrines in respect to the trinity, the atonement, and the Scriptures, as set forth by him, are the established religious doctrines of the ancient society, which are to be found, 1. In their ancient and approved writers; and, 2. In their Discipline, which especially relates to the preservation of those sound religious doctrines, as maintained by the Orthodox. Let him prove those doctrines in the way which he has undertaken. What we protest against is the mode of proof, the attempt to avoid proving what they have undertaken to do, by instituting an inquest into the consciences of men, or subjecting them to the ordeal of a creed artfully prepared for the purpose of disfranchising us of our property, and depriving us of our legal rights. His proof must come from other sources than these. The judge says, in page 85, "I have already stated, that the answer of Decow appeared to me indirectly to deny, that the faith of Friends embraces the enumerated doctrines insisted on by Hendrickson, and to claim freedom of opinion on those points."

And here the learned judge has fallen into an error, which manifestly pervades his opinion from beginning to end. Decow does not, directly or indirectly, deny that the faith of the *Friends* embraces the doctrines set forth by Hendrickson; but he claims that Friends have never adopted them as a creed, confession of faith, or funda-

mental truths which a Quaker must profess to believe, in manner and form, or he ceases to be a Quaker. But he insists that the fundamental doctrines, or more properly truths, of the society, are a belief in the Christian religion as contained in the holy Scriptures, and as professed by ancient Friends; in the divinity of our Saviour, and in the immediate revelation of Christ within. These necessarily include the admission of all the Scripture texts on which the Orthodox creed is founded. If the true faith of ancient Friends has not gone beyond this, if they abhorred church-made faith, and condemned ordering religion themselves, and the teachings and impositions of men in respect to articles of faith, it is manifest that they could not, consistently with their fundamental truths, adopt any creed or Orthodox doctrines, in relation to those great subjects of the Christian religion.

Whether the doctrines as advanced by Decow, are or are not the correct doctrines, is not now the matter in question. It is sufficient, if the Orthodox have failed to prove their creed to be that of ancient Friends. And the judge, in delivering his decision, is bound, of course, to take into consideration the whole scope and object of Decow's answer. "I feel more assured (says the judge, page 85,) that this is the true meaning of the answer, from the course taken in the cross examination of the witnesses, in which an evident effort appears to show a want of uniformity among ancient writers of the society, when treating on these subjects; and also from the ground taken by the counsel in the argument of this cause. It was here most explicitly, and I may add most ingeniously and eloquently insisted, not only that these doctrines do not belong to the faith of Friends, but that they cannot, because they must interfere with another acknowledged fundamental principle of the society, the guidance of the light within."

Now it was not insisted on, either in the answer, or the pleadings, or the evidence, or the argument, that those doctrines do not belong to the faith of Friends, or that the ancient Friends had no belief at all on the subject of the holy trinity, the atonement, or the Scriptures, or that they were at liberty to believe or not, as they thought proper, in the authenticity of the text, that "there are three who bear record in heaven," &c. or that they might deny the Scriptures. All that Decow and Friends insist upon is, that the great fundamental truths of the society are what is set forth in Decow's answer, and he denies that the society have ever embodied their belief on those subjects mentioned in the Orthodox creed, in the form of a creed or confession of faith. Hendrickson admits this. He further insists, that every Friend has a right to interpret the Scriptures according to the light within, uncontrolled by the arbitrary dictation of his fellow-man. Hendrickson admits this too. What, then, is the dispute? Hendrickson says, you must have some rule or established religious doctrines. Decow admits that: but he says that his standard, and that of the society, is the Christian religion as contained in the Scriptures; his means of interpretation, "the light within." Hendrickson, with-

out denying the operation of the light within, insists that it would be a strange anomaly, for a religious denomination to exist without *particular religious doctrines*. Now, it is manifest that Hendrickson insists that these *particular* doctrines are the trinity, the atonement, and certain views respecting the Scriptures, which he admits to be common to all trinitarian sects; while Decow says that they are a belief in the Christian religion as contained in the Scriptures, and taught by the spirit within, which are particular doctrines not held in common by any other sect.

Our doctrine was, and is, that the members themselves were at liberty to interpret the Scriptures under the influence of the divine light, not that they were at liberty to deny the authenticity of the Scriptures, or to interpret them without the real influence of the light within, the existence of which is manifested by a life of righteousness and purity. And the judge in assuming that we had taken that latitude, has not only misapprehended the question in issue, but done us an act of great injustice. He says, pages 85, 86: "Now it is to be established, that these doctrines are part of the religious faith of Friends, can it be necessary under these pleadings, to prove that Decow's party do not hold to the faith of Friends?"

Here the judge assumes a fact which ought to have been first established by proof. The fact, not that the society of Friends *have* religious doctrines drawn from the Scriptures themselves, but that those particular doctrines are the same as set forth by Hendrickson and maintained by the Orthodox. He then draws the inference that it is unnecessary to offer any proof that Decow and those whom he represents, do not adhere to the fundamental doctrines. This, if rightly understood the judge's meaning, is the conclusion at which he arrives.

In the next passage, he says, page 86: "Decow says, my party or preparative meeting hold the faith of Friends, but those doctrines are no part of that faith; therefore, we do not, as Friends, hold to those doctrines. But Friends do hold these doctrines; Decow's party does not: therefore they are not one with Friends in religious doctrines."

Now here is a singular syllogism, and I ask the court to mark well the manner in which the judge assumes the very matter that ought to have been distinctly proved. I altogether deny that Decow has ever asserted that Friends may not believe in these doctrines. Hendrickson, in his answer, page 31, avers, "that these doctrines are with the said religious society, fundamental; and any individual entertaining sentiments or opinions contrary to all or any of the above mentioned doctrines, is held not to be in the same faith with the society of Friends or people called Quakers, and treated accordingly." Hendrickson cannot content himself with proving that some Friends have held those doctrines. He must go farther, and show that they are fundamental, essential, and characteristic.

Is there any living Christian who does not draw some doctrine or

either from the Scriptures on the subject of the atonement, the trinity, or on the authenticity of the Scriptures themselves? Unquestionably not: a man by the very acknowledgment of a belief in the Scriptures, admits tacitly that some belief or other is necessary on the doctrines contained in them.

The true question is, whether the society has made a creed on these doctrinal subjects, ordered a religion for their particular society, or left them to interpret these, as they are at liberty to do the equally important doctrines of baptism, the sacrament, the observance of the sabbath, &c. &c., under the guidance and immediate influence of Christ, the great head of the church,—in their own hearts. It by no means follows, that because they prohibit the denial of the divinity of our Saviour, and the authenticity of the Scriptures, or even expressly acknowledge the affirmation of these doctrines, that all of the society must believe up to the creed now maintained by the Orthodox. Then from the pleadings there can be no pretence that Decow holds that these are no part of the doctrines of the society, or that he has alleged that he does not hold to that faith; and it is only by virtue of this cardinal error that the learned judge has arrived at the conclusions which we find in his decision. How, otherwise, can so plain a principle as that before us be overlooked? Hendrickson alleges that Decow has forfeited his rights as a Quaker, because he has departed from the faith that constituted the bond by which he was in communion with the society. Does it not follow, as a matter of law, that Hendrickson having made that allegation, must substantiate it by clear, convincing, and irrefragable proof. But the justice passes by this plain proposition of law and of common sense, by asserting that proof of such a departure is unnecessary. Instead of proof he resorts to this syllogism: "But Friends do hold these doctrines; Decow's party does not: therefore, they are not one with Friends in religious doctrine."

Decow and his associates were up to and at the time of the separation, members of the society, and entitled to all the rights and privileges that membership confers. He stood on the broad and universal principle of possession; and I ask the court how the law decides in such a case? When one man is up to a certain period in the full possession of rights and privileges, and another claims that he has forfeited those rights and privileges, on whom does the onus lie? Is not the principle a plain one? And does not the argument of the judge proceed directly in the face of it.

This is not a contest between parties for a fund which originally belonged to one, to the exclusion of the other. The rights of the parties were originally the same, founded on the same facts, and derived from the same source—membership of the common association. When Hendrickson claims the whole, he sets up a new right. He must support it by proof. Not so with Decow, who rests upon his original, admitted, and acknowledged title, and insists that it still continues. He is not the actor, but may repose with safety on that

right until it is removed by proof that he has in some way forfeited it, or voluntarily parted with it. This must, upon principles of law, be done by Hendrickson, before he can successfully maintain his right to the whole. He who seeks to deprive another of membership, which once was legal and complete, must do it by legal proof. It is the case of one tenant in common, seeking to divert the rights of his *co-tenant*.

The judge then proceeds to say, "And it will not materially vary the argument that they are at liberty to hold them or not, as the light within shall direct. It is belief which gives character to a sect, and right of membership to an individual." But when and where does Decow claim the liberty to hold the faith of Friends or not, as the light within shall direct? Not in the pleadings, nor the evidence, nor in the argument. The supposition is entirely gratuitous. It could not be to cast odium or ridicule upon our claim! But if it is belief that gives character to a sect, how is it that Decow is not to be allowed the benefits of that principle? Decow, in the pleadings, asserts his belief in unity with Friends, and he has attempted to prove it in the manner and by the medium of proof pointed out by Hendrickson himself, in his answer, the production of the books of ancient approved writers, and by the discipline of the society. Is there any evidence to show that Decow, and those with whom he is connected, have renounced the ancient doctrines of the society? Is assertion to stand in the place of proof, where the best and dearest rights of men are at stake? No effort of human ingenuity can support such a proposition.

"Liberty, (again says the judge,) has the same practical effect as unbelief, when applied to an essential doctrine of a religious society: an individual cannot avail himself of his faith, in any doctrine which he is at liberty to believe or not. Were it otherwise we might all be members of any religious society whatever."

It may be true, that an individual cannot avail himself of his belief, in an essential doctrine of a religious society, which prescribes faith in such doctrine as necessary for membership. But where the society have adopted no particular doctrine in regard to one or more of the great subjects of Christianity, may he not exempt himself from inquest in respect to his belief on those subjects.

Do we claim the liberty of believing or not believing the *essential doctrines* of the society, as our inclination or caprice may suggest? We have advanced no such idea. We profess to believe those doctrines; and that profession, till disproved, is to be considered as furnishing in itself ample and plenary corroboration of its truth.

In page 88, the judge says, in speaking of the doctrines of my clients: "It is enough, that it is not made to appear, that they correspond with the religious faith of the society of Friends." May not Decow say, that it is enough that it is not made to appear that the doctrines in controversy are essential doctrines of the society of Friends.

The judge proceeds in page 88: "Decow offers no testimony of the belief of his party in the particular doctrines in question."

Unfortunately for my clients, the judge must have overlooked a mass of testimony in this cause.

We did offer ample evidence in support of our cause; we appealed not to the belief of Decow, but to the belief of the ancient society of Friends, as the standard raised by the Orthodox themselves to bear us out in the ground we have taken. For what purpose, if not for this, have all the citations from books of the venerable and approved writers of the society been made? Why was the evidence swelled with extracts from them? Decow denied the departure from the doctrines which was charged against him; and he did not undertake to prove what were his own particular doctrines. He had none, which he professed, other than the particular and fundamental doctrines of ancient Friends; and he did suppose, that in point of law, his adversary, who charged him with a departure from doctrines, would be compelled to prove, 1. That ancient Friends held the doctrines from which it was alleged he had departed. 2. His departure.

The judge however, seems to intimate, that it was incumbent upon Decow to offer testimony respecting the belief of his party in the doctrines in question. Decow had no doctrines peculiar to himself; his doctrines were, and are, the doctrines of the ancient society of Friends. This was his corner-stone. But was not his birth-right membership, his acknowledged and continued membership with the society of Friends, evidence of his doctrines. Is not every member of a religious society presumed, from the fact of membership, to hold the particular and fundamental doctrines of that society: and yet you are told by the judge, that no testimony was offered. The proof of membership was full testimony.

The judge again says: "His witnesses refuse to answer on those points, and his party protest against all creeds, or public declarations of faith, as an abridgment of Christian liberty."

And here also, the justice has entirely mistaken the manner in which the protest was made. Which of Decow's witnesses refused to answer, and what questions did they refuse to answer? Did he ask a single witness what were the doctrines of the ancient Friends; or if so, did one witness decline answering the question? If so, did they not do right? How could the witnesses undertake to say what were the doctrines of a society, on particular subjects, when the society had not promulgated any creed on the subject, and protested against creeds altogether? It is true, when a witness was asked to state his own belief, or that of the particular association with which he was connected, he protested against the interrogatory, and why? It was on the sacred and noble principle of freedom of conscience in religious matters, that no man had a right to interrogate another on matters of faith; and when a man declares his belief in the doctrines professed by his society. No human being has a right to take up the

Scriptures and ask him how he understands this, or any other particular passage. You may ask him if he believes that such or such a passage, is a part of the Scriptures, but you cannot demand his own interpretation of it. You cannot catechise him as to the elements of his faith. But it is one of the peculiar testimonies which this society conscientiously believe they are entrusted with, to bear witness against the power of men to rule over men's consciences in matters of religion. We have seen the strong language of Wm. Penn on this subject: "It is never to be done, suffered, or submitted to." It is the doctrine of all their writers, and the persecutions of ancient Friends, in the first century of their existence, shows how nobly and patiently they discharged their obligations to their faith. And if a contrary rule of conduct is now to be introduced, lamentable indeed will be the condition of religious associations in this state. Go into the Presbyterian society and seek from some of its members their particular exposition of certain portions of the Calvinistic doctrine, and you will find shades and variations in their belief, which if brought against them in form, would exclude them from communion with their present associates. So it would be with the members of any other society; let individuals be appealed to for their interpretation of text or doctrines, where there is a creed, and they would give to them according to the extent of their capacity, clearness of illustration, felicity of interpretation, depth of knowledge, or bias of feeling, a hue or construction which might separate them from their own association. Adopt this principle too, and you lay the axe at the root of the religious privileges and freedom of every citizen. Who can count the days or years that would elapse, before the erection of an inquisition, or the union of church and state.

Independent however of these objections, strong as they are, Dea Cow and his associates do not feel themselves at liberty to answer these questions. They hold that they have no right to attempt, or do any act which would look like an attempt to make a creed, or fix faith for the society to which they belong. It is against their principles of religious freedom, as well as their discipline. This cannot be done by an individual. It can only be done by the yearly meeting, in a meeting capacity. In page 54 of the Discipline, the meeting for sufferings are expressly prohibited from meddling in any matters of faith or discipline, which has not been determined by the yearly meeting. Could then an individual do this? If he did would he not incur the consequence, and be dealt with; and as the yearly meeting did never adopt anything in the shape of creed, such an act would be considered as an unwarrantable attempt to compromise the principles and feelings of religious rights. We have seen how cautious the yearly meeting of Philadelphia have been on a occasions, when they felt called upon to vindicate the doctrines of their society, even as late as the year 1823, to confine their avowal of doctrines to a belief in the Christian religion as contained in the Scriptures, and in the light within. And if the court will reflect

moment, they will readily perceive how serious must be the consequences with which the adoption of such a principle would be fraught. When Samuel Bettle is interrogated as to the belief of the society on the doctrines in question, he says, "they believe them as set forth in the Scriptures." So also, say all the witnesses, who are brought to testify to these points; or they say, they believe as the society believes.

But for another reason, no inference ought to have been drawn from the silence of Decow, if he had been silent in his answers on those points. If the right of Hendrickson to a more full and explicit answer on these points of doctrine be so incontrovertible, as is here assumed, why did he not except to the answer. Then the matter would have been properly brought up, and then there would have been a fair and legitimate opportunity of bringing this important and interesting, and in my judgment constitutional question to a judicial decision. The manner, too, in which the judge has alluded to their protest against creeds, seems to imply that Decow and his witnesses thereby asserted a right not secured to them by law, or screened themselves by an evasive, unfounded pretence, from the disclosure, which it was his duty to make. At all events, it casts a shadow of imputation or censure upon their conduct in that respect. He protested against the introduction of creeds because the Scriptures themselves never promulgated one. Because our blessed Saviour and his apostles never gave us one, and because the society to which we professed to belong, from its first establishment, had always protested against them, as beyond human power. A man may form a creed for himself but not for others.

Again the judge says: "Having no such public declaration to resort to, we must ascertain the truth from other sources, so far as it is necessary to be ascertained."

Now I here follow the judge with more pleasure, because he is travelling in the legal and correct way. Let us proceed. He says: "Several public addresses were issued by the party called Hicksite, about the time of the separation, setting forth their reasons for it. In that of April 21, 1827, it is declared, that the unity of this body is interrupted, that a division exists among us, developing in its progress views which appear incompatible with each other, and feelings averse to a reconciliation. Doctrines held by one part of the society, and which we believe sound and edifying, are pronounced by the other part to be unsound and spurious." It will be necessary to refer the court for a moment to that address, and I trust I shall be able to convince your honours that the judge has entirely misconstrued its meaning.

From the passage quoted, and what follows immediately after, he evidently understands the incompatible views and doctrines there alluded to, as those now in question in this case: and that the doctrines which are now imputed by the Orthodox to the Friends, are

the doctrines there avowed as sound and edifying, and which they pronounced unsound and spurious.

In order to interpret a writing, the whole must be taken together, as well what precedes, as what follows, the sentence or clause whose meaning you seek, if connected with the subject treated of. With this rule, which is sanctioned both by law and common sense, we shall have no difficulty in arriving at the understanding of the views and doctrines meant.

I quote from the Address, page 5:

“The members of the society of Friends have been permitted, in time past, to be partakers together, under the divine blessing, of the excellent effects produced by the power of that gospel which was professed and lived in by the apostles; and which, after a long night of apostacy, was embraced by our worthy ancestors. We are prepared to record our full conviction, that this same gospel continues to be open to us, and to all men, and is ‘the power of God unto salvation’ to those that believe in and obey it. Its blessed fruits are love to God and love to man, manifested in life and conduct: and our early Friends gave ample proofs of the tendency and influence of the ‘new commandment’ which Christ gave to his disciples when he said, ‘A new commandment I give unto you, that ye also love one another: as I have loved you, that ye also love one another.’ Through an obedience to it, they became known and distinguished: acting under its sacred influence and government, they were made powerful instruments in opening the door of gospel liberty, and removing many of the fetters that had been formed in the dark night of superstition and error that preceded them. Hence they were prepared to promulgate the glorious truth, that *God alone is the sovereign Lord of conscience*, and that with this unalienable right, no power, civil or ecclesiastical, should ever interfere. This blessed liberty was amply enjoyed among themselves, and through faithfulness—not to speculative opinions, but to the light of Christ within—they were thus united in the one, eternal, unchangeable spirit, and by it became of one heart and one mind. In this truly Christian state, they were lights in the world, and as a city set on a hill which cannot be hid. Through their instrumentality, with the blessing of the Almighty upon their labours, our religious society became possessed of this very important spiritual inheritance, and we feel bound to endeavour to preserve it, unfettered by the hand of man, and unalloyed with prescribed modes of faith, framed in the will and wisdom of the creature.

“With this great object in view, our attention has been turned to the present condition of this yearly meeting, and its different branches; and, by evidence on every hand, we are constrained to declare, that the unity of this body is interrupted—that a division exists among us, developing in its progress views which appear incompatible with each other, and feelings averse to a reconciliation.

Doctrines held by one part of society, and which we believe to be sound and edifying, are pronounced by the other part to be unsound and spurious. From this has resulted a state of things that has proved destructive of peace and tranquillity, and in which the fruits of love and condescension have been blasted, and the comforts and enjoyments even of social intercourse greatly diminished. Measures have been pursued which we deem oppressive, and in their nature and tendency calculated to undermine and destroy those benefits, to establish and perpetuate which should be the purpose of every religious association."

Now what are the doctrines to which they refer, as held by one part of the society, and which they, (the meeting,) held sound and edifying. They are these: "Hence they, (their ancestors,) were prepared to promulgate the glorious truth, that God alone is the sovereign Lord of conscience, and that with this unalienable right, no power, civil or ecclesiastical should ever interfere. This blessed *liberty* was securely enjoyed among themselves; and through faithfulness, not to *speculative opinions*, but to *the light of Christ within*, they were thus united in the one eternal, unchangeable spirit, and by it became of one heart and one mind. Through their instrumentality, with the blessing of the Almighty upon their labours, our religious society became possessed of this very important spiritual inheritance, and we feel bound to endeavour to preserve it unfettered by the hand of man, and unalloyed with prescribed modes of faith, framed in the will and wisdom of the creature."

These were the doctrines which the Green street meeting, in that address, refer to as held by one part of the society, and which they believed to be sound and edifying, and which the Orthodox pronounced to be unsound and spurious. What other doctrines had that part of the society met at Green street, held to be sound and edifying, but that God alone is the sovereign Lord of conscience; that it was through faithfulness, not to *speculative opinions*, but to the *LIGHT OF CHRIST WITHIN*, that their predecessors became of one heart and one mind; and that the blessed, spiritual inheritance possessed by the society was to be preserved, unfettered by the hand of man, and unalloyed with prescribed modes of faith, framed in the will and wisdom of man. What other doctrines of the society had the Friends endeavoured to preserve? What other doctrines had the Orthodox party pronounced to be unsound and spurious? The address manifestly refers to what had occurred in the yearly meeting, or connected with yearly meeting proceedings, for it speaks of the society as a whole, and as divided in two parts.

Previous to this period, what disputes about doctrines, I ask, had ever existed? By the evidence, it appears that the only dispute ever existing on the subject of doctrines, was, whether the spiritual inheritance derived from their ancestors, was to be preserved unfettered by the hand of man, and unalloyed by modes of faith. The Orthodox party insisting that this doctrine was unsound and spurious; that they ought to agree upon modes of faith or a creed, and that

such an adoption was necessary, because their doctrines and principles were liable to be misunderstood or perverted by the conduct of writers, in newspapers, discussing them, and by the doctrines publicly preached by some of their ministers: and they thought it their duty to come forward with an avowal which would free the society from misapprehension. On the other side it was contended that from the first establishment of the yearly meeting, it could not be found that the society had, in yearly meeting capacity, adopted or avowed anything in the shape of a creed or articles of faith or doctrine, than, or beyond, those which were contained in their discipline; that such a measure was contrary to their fundamental principles, that it was designed to abridge the liberties, and fetter the consciences of members, and that its effects must necessarily be disunion and division. This was the doctrine to which the address of the Green street meeting, in 1827, had reference. The Orthodox party contended that they ought to have some characteristic badge, some form before men, something which they might exhibit to the inspection of the world, to shield them from misrepresentation; and Decow and his party denied their right to place a limit on the operations of the divine light within, by subjecting them to the doctrines of a creed, framed in the will and wisdom of man. This I apprehend is the true understanding of the doctrines mentioned. But the judge seems erroneously to have supposed that these proceedings had relation to the doctrines preached by Elias Hicks. The controversy in the monthly meetings in Philadelphia was not as to doctrines, but as to discipline; and you do not find in the testimony, that Elias Hicks ever professed or held in Philadelphia, any doctrines which were considered unsound. So the *views* developed in the progress of the division, which are incompatible with each other, refers to the views as to discipline, the dispute about the disciplinary powers of the ministers, and elders, and clerks, &c. What other incompatible views does the testimony exhibit? We are to give this address a reasonable interpretation, and if any ambiguity exists, from any cause, it is to be explained by extrinsic facts, to which it plainly refers. If the judge had borne this in mind, he would not have resorted to any controversy about doctrines, which never came before the whole society, and never produced division in the yearly meeting. It is manifest, too, that at this time, there was no dispute in the yearly meeting of Philadelphia, about Elias Hicks' doctrines, but the disputes, with which he was connected, grew out of the construction of discipline. It is strange, that the judge should lay hold of this fact as furnishing the key to the whole address. He says: "a prominent complaint in these papers is that Friends travelling in the ministry had been publicly opposed in their meetings for worship, and laboured with, contrary to the discipline. Upon looking into the testimony, we find, that the prominent individual, who furnished occasion to these complaints, was Elias Hicks, and that the interruption and treatment of him deemed exceptionable, had their origin in the doctrines which *he preached.*"

Now Elias Hicks never preached any doctrines in Philadelphia, which were deemed unsound, so far as we can gather from the evidence; nor did he ever there preach upon the doctrinal subjects contained in the Orthodox creed; nor did the interruptions and treatment of him, deemed so exceptionable, arise from the doctrines which he preached. It was for the testimonies which he bore, and for other causes, as I shall hereafter show.

It is true, the Orthodox said that he was unsound for doctrines communicated to some member of the society, beyond the limits of the yearly meeting at Philadelphia. And what was the dispute which arose? Was it whether those doctrines were in fact sound or not? No; but it was whether the ministers and the elders of the Philadelphia yearly meeting had a right to deal with him, a member of another yearly meeting, under the discipline of the yearly meeting at Philadelphia, for doctrines preached elsewhere. It was contended that this must be done by the meeting to which he belonged. It was then, so far as Elias Hicks was concerned in it, an incompatibility of views, not as to doctrines, but discipline. It was the *doctrines* which were held by the Friends, and which they avowed and believed sound and edifying, that the Orthodox pronounced unsound and spurious, and not the doctrines held by the Orthodox. From the evidence, we do not find that the Friends had, avowedly, held any doctrines, sound and edifying, but in relation to the inadmissibility of creeds, and the sufficiency of the light of Christ within.

He then goes on to say, "We cannot give much weight to opinion, where we should have facts." Very true. A sound legal position this, though the application of it, unfortunately, is only on one side. Again, he says, "the belief should refer to specific doctrines so that the court may judge as well as the witnesses, whether it was the ancient faith or not. The court in that case would have an opportunity of estimating the accuracy of the knowledge on which the belief is founded."

I protest against this doctrine laid down by the judge, that we are to arrive at the true nature of doctrines established nearly two centuries since, by the private opinions of individuals, for he has no right to interrogate witnesses either as to his own particular belief, or that of other persons. He first says, that facts, and not opinions, are to be received as evidence, and yet in the very next sentence he virtually contradicts the position which he has himself advanced. Now if the judge's proposition be true, if we are to retain or lose possession of our privileges and property on the strong and indubitable testimony of facts alone, not relying on the opinion of individuals, how is the case to be proved? By the hardihood of any witness who may be summoned before the court? By the private opinion of a man, be it right or wrong, disinterested or coloured? The proof is to be by the rule given by the law, the best evidence the nature of the case affords. The fact to be proved, is the religious doctrines of the society of Friends, in respect to the enumerated

points to be found in their ancient and approved writers, who have been dead for a century and a half. The writings are in existence—within the power of the party. They must be produced. It is the best, and only admissible evidence. Opinions of living witnesses on the subject are not evidence. The court must judge what is the ancient faith there found. And have we not shown that it is repugnant and contrary to the doctrines contained in the Orthodox creed?

But the judge goes on, page 87: "How stands the case then upon the proofs? A fund was created for the education of poor children of a certain preparative meeting of the religious society of Friends. That body has lately become separated. Its unity is broken; the views of its members are incompatible; and doctrines held by one party to be sound, are pronounced by the other party to be unsound."

Again he says: "And two distinct meetings exist at this time, and each claims the guardianship and use of the fund."

But now the Orthodox claim it for the Orthodox minority exclusively. We being in possession of the school-house, where the poor children were to be educated, being the majority, claim it, for the benefit of all belonging to the society at the time of the separation, or to have it divided pro rata in proportion to the numbers. The Orthodox insist that we have forfeited our rights, which we deny.

The judge further says: "For the safety of the debtor, these parties have been directed to interplead and to show their respective pretensions, to be a preparative meeting of Friends. One of them sets out certain doctrines, as characteristic of the society, and that they adhere to them, and the other party does not. They go on and prove their case, so far as respects themselves."

With submission, it appears to me, that the judge has fallen into important errors, in stating the facts. 1. The decree on the interpleading bill is, "that the bill of interpleader was and is properly filed, and that the parties interplead touching the matters set forth and contained in the original bill and bill of interpleader, and that each of the parties be at liberty to proceed in each of the causes, and bring them to a hearing when and in what manner he may see fit; not that they show their pretensions respectively to be a preparative meeting of Friends." The matters in controversy are those contained in the original bill and interpleader, which the parties filed severally; their answers to which are, on the part of the Orthodox, that the enumerated doctrines are the fundamental, essential, and characteristic doctrines of the society of Friends, to be found in their ancient and approved writers. 2. That they were held by the society of Friends up to the time of the separation, and by the Orthodox since; and 3. That the Hicksites seceded therefrom and adopted new doctrines, repugnant and contrary thereto. These are the matters in issue set forth and contained in Hendrickson's original bill, and the bill of interpleader. Decow in his answer, denying that he and his associates have seceded from the faith of ancient Friends, avers that the fundamental, essential, and characteristic doctrines are: 1. The

relief in the light within; and 2. A belief in the Christian religion as contained in the Scriptures, and as held by ancient Friends; and 3. That he and his associates adhere to the doctrines of the ancient society of Friends. Both parties, by the pleadings, refer to the faith of ancient Friends, as found in their ancient and approved writers, and in the discipline which both profess to adhere to.

The judge proceeds: "The other party allege that they hold the faith of Friends; but instead of proving it, they call upon their adversaries to prove the contrary." In my opinion, it was incumbent upon each of the parties to make out their case, if they would stand upon equal terms on this question of doctrine.

I think I have shown that the learned judge errs, in his statement of the issue, both as respects the pleadings of the parties, and the decree of the court on the bill of interpleader.

The errors it appears to me, are radical, and affect the whole argument of the judge. If the issue is misapprehended in the outset, it cannot be expected that the decision will be right. The substance of the issue, I repeat is, that up to the time of the separation, the fundamental, essential, and characteristic religious doctrines of the society of Friends, was the belief in the trinity, the atonement, and the Scriptures, as set forth in the answer and original bill of Hendrickson, to be found in the ancient and approved writers of the society, and in the discipline of the society. This fact is averred by Hendrickson, and denied by Decow. Hendrickson's right to the exclusive use of the fund in question, depends upon his success in proving his issue, and also, that Decow and his associates have seceded from the ancient faith of the society. Decow's issue is, that the fundamental, essential, and characteristic religious doctrines of the society of Friends, are a belief in the Christian religion, as contained in the Scriptures, and held by ancient Friends, and in the divine light within. His success in defeating the claim of Hendrickson, depends upon his proving his issue. Now I admit that it is incumbent upon each party to make out his case. But how? clearly by lawful evidence adapted to the nature of the issue. Has Hendrickson done it? How must he do it? He must not only prove that the ancient and approved writers of the society of Friends held those doctrines, but that they were fundamental, essential, and characteristic. He must also prove that Decow does not hold those doctrines. He must prove an affirmative and negative; because they must both be substantiated to work a forfeiture of Decow's original acknowledged right in the fund, I think I have shown conclusively.

That the doctrines set forth by Hendrickson, are now for the first time introduced, as fundamental, essential, and characteristic. But I wrong the gentleman, it is not exactly the first time. I have shown that George Keith made the same effort and attempt more than a century ago, and that he failed, and was disowned and deprived of membership, in consequence of the dissension and variance that grew

out of it. But the party now have gone further than Keith ever went; and they have had the success of introducing a creed embodying those doctrines, as an act promulgated by a yearly meeting of the real, pure Orthodox party since the separation. The judge asserts: "that we allege that we hold the faith of Friends, but instead of proving it, call upon our adversaries to prove the contrary." Is it so? Have we failed to prove that we hold the faith of ancient Friends? Have we not shown by all the ancient and approved writings of Friends, the nursing fathers of the church, that the faith which we allege is the fundamental, essential, and characteristic faith of our forefathers, the primitive friends; and that the enumerated doctrines alleged by Hendrickson, are not fundamental, essential, and characteristic doctrines of ancient Friends? We do not say, that those doctrines may not be held by Friends. We could not, because if it be true that the doctrines held by us are the fundamental, essential, and characteristic doctrines of ancient Friends, it follows that the tenets of the society allows toleration and liberty of conscience in respect to the belief of those as well as other blessed doctrines of our religion. Have we not shown the belief of Fox, of Barclay, of Penn, of Whitehead, Penington, and a host of other fathers of the Quakers' faith, on the fundamental, essential, and characteristic doctrines of the society, to be the same as held by Decow. Where can we find approved writers of the society, if they are not? Have we not shown, that in respect to the doctrines of the trinity, the atonement, and the Scriptures, as set forth by Hendrickson, that many of these ancient and approved writers held opinions entirely and absolutely repugnant and contrary thereto? Have we not shown that there was a diversity and not conformity of faith among them upon those doctrinal subjects? Were they ever dealt with or disowned for it? Can that be a fundamental, essential, and characteristic doctrine of a society, which a member of it may believe, or contradict without reproach or censure? Is it not manifest from all the evidence that freedom of conscience and belief, on doctrinal subjects, was not only tolerated, but sanctioned by the discipline of the society, the proceedings of the yearly meetings, and the very object and end of their being gathered in unity? Decow then has not only maintained triumphantly, by proof, his own case, but he has prostrated and disproved that of the Orthodox. But the judge, by some strange alchemy of the mind, has changed the state of one party for that of the other and advances his own idea, and opinion, that unity of faith and practice, requires unity of interpretation of the Scriptures, upon doctrinal subjects so important as those of the trinity, the atonement, and the Scriptures, although the members of the association have lived and flourished, and prospered in unity and harmony, from the infant age of their institution till the year 1823, without unity of interpretation and views of the meaning of texts of Scripture, involving important doctrines; and they have been during that time, favoured with the overshadowings of the influence of the God of peace, in their ten

ples of worship, and in their own hearts, until the fell spirit of orthodoxy invaded their peaceful borders.

We admit that each party is required to make out his own case; and what was it on the part of Decow? Up to the twelfth-month of the year 1827, both parties were recognized by Decow as belonging to the society, and entertaining its belief. We do not deny that they held the same doctrines. It would be presumptuous and contrary to the principles of Friends, as understood by us so to do; there is no overt act on the part of Hendrickson to justify us in concluding that they did not, or dispute their title to be so considered. The fact that they wished and attempted to make other doctrines fundamental also, does not prove that they did not adhere to those which were fundamental. The attempt to push the belief too far, and to cover what was not originally embraced; the believing too much does not prove that they did not believe enough. I make this admission freely; but I claim the admission of this same fact for those represented by Decow. Have we not then a right to call upon them for proof; our rights stand on the ground of denial, as well as of asserting, and by what process of reasoning can the former be transmuted into the latter? It might, indeed, be so in the dungeons of the inquisition, where a denial by the accused of the offence imputed to him, is converted into evidence of an acknowledgment of its commission: where the rack is applied, and the sinews are rent, and tortures of all descriptions, just graduated to the endurance of human life, are applied, till the wretch utterly subdued and broken down by his agonies, makes confession of the fact which his continued denial was already held to have established.

I must therefore submit, that the judge is in error in his law and his facts, when he deems it unnecessary to attempt any further investigation of the doctrines of the party called Hicksite, and concludes "that it is enough that it is not made to appear, that they correspond with the religious faith of the society of Friends."

It is made sufficiently apparent that Decow's doctrines do correspond with those of the society; and it is only by taking a partial view of them, by rejecting those passages on which we lay chief stress, and by admitting others comparatively unimportant, that the judge has come to this conclusion. We have proved that these doctrines are to be found in the writings of ancient and approved Friends, and in our discipline; and beyond this, it is not necessary for us to go. It appears to me that the judge's premises are altogether unsound in relation to the subject matter to which they are applied. He argues that there must be certain essential, characteristic, fundamental doctrines in every religious association, and the position is assuredly a true one. But what those doctrines shall be, it is the privilege of the society to determine; and profession of the faith thus agreed upon as the bond of union, is always *prima facie* evidence of conformity and adherence to that faith which hath been adopted as fundamental.

As to the periodical queries, to ascertain whether ministers and elders are sound in word and doctrine, there can be no other ordeal or criterion as to what doctrines are meant, but those adopted and explained in the discipline itself. But the judge says, in page 88, "I would merely add, that if it be true that the Orthodox party believe in the doctrines above mentioned, and the Hicksite party believe that every member has a right to his own belief on those subjects, they well might say that their differences were destructive of that unity."

Would it not be equally destructive of the unity and good feeling of any society, if one branch of it, believing that a creed was necessary, endeavoured to force it on another which maintained that its adoption would be subversive of their fundamental principles? Would not this difference justly and properly be termed a difference in doctrine, and justify the Green street meeting of April, 1827, in applying that term to such a state of facts? "If, (continues the judge,) their members and ministers exercise perfect freedom of thought and speech on these points, their temples for worship, and, it is to be feared, their own hearts, would soon be deserted by the peace-loving spirit of their master." And would it not be so, if one part of this society is to frame a belief which is always to be referred to instead of the Scriptures themselves, as was originally designed? would it not be productive of the greatest and most alarming dissension? What was it that for ages and centuries past hath laid waste the peace of mankind, and crimsoned the fair fields of Christendom with the blood of brother slain by brother? History tells us it was the conflicting belief of men on these very doctrines of the trinity, the atonement, and the Scriptures. It was the desolating and demon spirit of orthodoxy. It was on account of creeds. It was because mankind were not willing to bring their consciences to that standard of faith which was framed, and modelled, and ordered by the pride, the arrogance, the self-sufficiency, and the despotism of individuals or sects. And I venture to say, that where there has been one drop of blood shed in sustaining the plain and simple doctrines of Christ, as contained in the Scriptures, whole oceans of it have been poured out from making faiths and creeds, and orthodox belief.

There was a time in the land of our ancestors, and it was not remote from the time of Fox, when a refusal to subscribe to the Romish doctrine of transubstantiation was denounced as heresy, and as such, the dissenter was oppressed, punished, or tortured; and so long as church and state were united, and religion leaned upon the civil government alone to support it, such a state of things continued in full and frightful operation. Until the reformation cast the first beams of religious liberty upon benighted Christendom, the branded heretic could find no refuge from the hand of the persecutor. If he believed not precisely up to that mark which was laid down for him, by the presumptuous and impious dictation of his fellow-mortal, he was to be dealt with as an enemy to God and man.

But I think the judge may dismiss his fears of the evils anticipated from the toleration of difference of belief. It was an alarm which, while priestcraft exerted full sway, tormented and subdued many pious minds. Time is the great dispeller of delusions. The evidence in this cause demonstrates that his apprehensions are without foundation. Do we find that the primitive Friends had any controversy on these subjects? Have we not proved by writers equally as revered, equally as erudite, and equally as pious and respected as any whose names can be produced by our opponents, that the primitive Friends did not adhere to or acknowledge any set form of faith? Yet they moved on in unity, and the peace-loving spirit of their maker did not desert them. Those dissensions which unfortunately did spring up amongst them, arose not from a diversity of belief on the doctrinal subjects of Christianity, but from efforts for the introduction of a creed and forms of faith.

"There is," says the judge, "an essential incompatibility in adverse views with regard to these doctrines. The divinity of Christ and the authenticity of the Scriptures cannot be debated in a worshipping assembly, without defeating the proper purpose of meeting together." Have we then undertaken to debate on the divinity of the Saviour or the authenticity of the Scriptures? or even claimed the privilege so to do? No. The court will find no proof of it, I think. "And," says the judge again, "upon this supposition, too, the propriety, as well as the legality of the court noticing the doctrines of the preparative meeting, which is to superintend the expenditure of this fund, is too manifest to admit of doubt."

Suppose, then, that we grant, and we do fully grant, that members of the society of Friends are not permitted to deny in their assemblies, the divinity of the Saviour or the authenticity of the Scriptures? May they not preach on those subjects? *If not*, where is the use of places of worship and meetings for religious worship, if the being, the attributes, and the mercies of our Saviour may not be explained? and even the mysteries of godliness? The fact still remains to be proved, that Decow or his party have been guilty either of the one act or the other. I still contest the correctness of the judge's opinion in this respect; and that there must be positive evidence to show that such denial or debate has been made. Is there a single witness who brings the charge? Is there anything to prove that the Friends with whom he concurred, have ever undertaken to make the denial? He belonged to the society at Chesterfield. Did any separation which there took place, depend upon doctrines? Was there any division on these subjects? None. What was the difference? It originated in the monthly meeting, from a request made by a Friend of that meeting, to have the accustomed and ordinary certificate granted, in conformity to the discipline of the society, on the removal of his son from Chesterfield meeting to Green street meeting, in Philadelphia, which was opposed by the Orthodox party. And, subsequently, they left the house in consequence of the presence of Henry M. Zollner, a member of the yearly meeting held at Green street.

And in regard to the separation which took place at the preparative meeting, it arose from a demand made by a committee appointed at the Orthodox quarterly meeting, whether they recognised the authority of the Arch street meeting and their dependence thereon, and their refusal to answer. What witness has ever said that the Chesterfield preparative meeting denied the authenticity of the Scriptures, or the trinity, or the doctrine of the atonement, as advanced by the opposite party? It was not, then, our own act. The separation was denounced and made by the Orthodox, because we would not acquiesce in a pretended laying down of the Green street monthly meeting, at Philadelphia, contrary, as we believed, to the discipline. I have shown that there is no evidence, that the Chesterfield preparative meeting ever held opinions repugnant or contrary to the faith of the ancient society of Friends. They never debated, disputed, or denied, or even differed about doctrines; but they say that we are connected with Elias Hicks, who does, and with a yearly meeting, hold unsound doctrines. Is there a particle of evidence to show that Elias Hicks ever uttered a syllable of unsound doctrine at the yearly meeting in Philadelphia, or in the meeting of 1828, in Green street? Not a word. Or if he did, that the Chesterfield meeting approved, or even knew it? I insist, then, (and surely where the penalty of inculcation is no less than forfeiture of our highest earthly privileges, I have a right to insist,) upon proof, at least, that those corrupting doctrines were uttered in our hearing. It will not do to assert that Elias Hicks wrote here, or conversed there; that he expressed this opinion in the north, or that in the south. He might have given expression to his sentiments in a thousand different instances; but such an expression could not injure, or in the remotest degree affect, the Chesterfield meeting, or Green street yearly meeting, whilst those meetings remained in utter ignorance that such doctrines were even entertained by him. But where is the proof on this head?

If I understand rightly, the evidence consists, first, in certain letters addressed by Elias Hicks to Thomas and Phœbe Willis. Thomas Willis says, that until the year 1830, (after Elias Hicks was consigned to his grave,) these letters, to his knowledge, never were published in Philadelphia, and shown only to a few in his own neighbourhood. It will not be pretended that Willis was anxious to inoculate the members of the society with these opinions; he looked upon these doctrines as too dangerous to be disseminated, and he therefore showed them only to a few who were too sound and firm to be shaken. The next evidence relates to certain sentiments said to have been uttered in the Southern quarter; and you have, on this point, the statements of Ezra Comfort and Isaiah Bell, p. 491, second volume of Evidence. And here you have a strange diversity of testimony. Two men tell you that certain spurious doctrines were uttered, and no less than twenty-three individuals, (page 492, second volume of Evidence,) who were present at the time those same doctrines were said to have been promulgated, declare that they were not pronounced. *Here we have a practical evidence of the desolating effects of disputes*

about doctrines, in laying waste the peace of the society. Was the testimony of two witnesses to be taken against that of twenty-three of equal character and respectability in life?

The next piece of testimony on the subject of doctrine, I believe is the letter to Doctor Shoemaker. We do not know that that letter was ever published, or that it ever came to the knowledge of the Green street meeting, or Chesterfield meeting. It is not brought home to us so as to be legal evidence. The next evidence is gathered from Elias Hicks' own sermons. Where were they preached? In the yearly meeting at Philadelphia? or in the Chesterfield meeting? They were not. How then are these opinions, if uttered at all, and if not uttered at the yearly meeting, or monthly meeting at Chesterfield, or within the bounds of the Philadelphia yearly meeting, to be considered as evidence. They are illegal, and must be rejected as inadmissible. Elias Hicks belonging at the time to the yearly meeting in New York, and they never connected with him further than by expressing their acknowledgments of benefits which he had from time to time conferred on their society.

Who was Elias Hicks? He was a high, and pure, and pious, and esteemed minister of the society of Friends, than whom few, if any, of the members of that body, had ever attained to a more spiritual condition. His name was everywhere revered, and his ministry was universally acceptable. His thorough knowledge of the doctrines and institutions of his society, added to the great facility and power of illustration which he possessed, had not only gained him the confidence of his hearers, but a long life of righteousness and purity, and inflexible perseverance in the paths of truth, had shed a lustre over his character, which continued unextinguished and undiminished to the latest hour of his existence. Such a man any society might be proud of possessing. I will not detain the court by reading the testimony of those who were most intimate with him up to the moment of his final departure from this world. It is sufficient to say, that they represent him as a man in all respects, such as I have described him to be. And because such a man was permitted to hold forth in the houses of the Friends, and to have communion with their families, coming with the full credentials of his own yearly meeting, and because those Friends expressed and felt a unity in the doctrines which he promulgated before them, sound and unquestioned as far as the evidence shows, they are not to be made amenable before the most solemn tribunal of the country, in respect to others which he did not promulgate. Surely there is no justice in this.

But are the Orthodox party themselves so to be judged? Willis says that the society is not and never was accountable for works which individuals might publish, or doctrines which they might promulgate, unless they should first have received the sanction of the society. And it is the dictate of common sense. We have also the high authority of William Penn, 2d vol. p. 92, in corroboration that this is the view of Friends.

Let us, however, see if Elias Hicks is really unsound in his faith. He is to be judged as other men are, with equal fairness and equal consideration; not by a few stray expressions, which in some unguarded moment may have escaped him, and which have lain in wait, or been treasured up till a favourable opportunity offered itself for their developement. Elias Hicks was applied to, to explain his doctrines and opinions, and among others, those put in issue by the Orthodox in this case. He did so. Parsons says, that he prepared his answer to the six queries, *for his party*. If so, it furnished a still more convincing proof that the party never considered they were departing from the doctrines of the society, or adopted unsound doctrines. Parsons, therefore, by the very act of fixing this stigma upon the name of Elias Hicks, proves that Decow and his associates, do not hold those spurious opinions ascribed to them in Hendrickson's bill and answer. If Elias Hicks is to be judged of by that which has received his deliberate sanction, let us refer to it, in order to see its precise character and tendency. I will call the attention of the court to his answer to the six queries, because it is a document which might have great weight, and serve to disprove altogether the allegations which have been preferred. It is dated "Jericho, Eleventh-month 16th, 1829." This good old man, you will observe, expresses his astonishment in the very outset, that any one could doubt his views of doctrine, or give any credence to those who undertook to charge him with a departure from his avowed principles.

Six Queries, &c. referred to by Thomas Willis.

"Jericho, Eleventh-month 16th, 1829.

"Dear Friend,—Thy affectionate letter I have duly received, and its contents were grateful to my best feelings, as they appear to be the result of sincere friendship. But I may acknowledge it was really marvellous to my mind, to think how it could be possible, that thou, my friend, should find any inducement to propose to me such questions as are comprehended in thy first four queries, as I should suppose that no person who has had the opportunity thou hast had of seeing and of hearing me, in public and in private, and who has known my manner of life for more than twenty years, would have given the least possible credit to any of those irrational and false reports to which these queries allude; and although I consider them as unworthy of my notice, yet friendship induces me, as thou hast requested it, to make a brief reply to them severally.

"1st Query.—Dost thou wish to be understood, by anything thou may have said publicly or privately, that thou denies the miraculous conception of the fleshly body of Jesus Christ; or dost believe that Joseph was his father.

"Answer.—I have ever believed and asserted, from my youth up, that I had as full a belief in the miraculous conception of the fleshly

divinity of Jesus Christ, as it was possible for the history to give belief, and I may now assure thee that I never thought or said, that I believed Joseph was his father.

“2d Query.—Dost thou mean to be understood, by anything thou may have said publicly or privately, that thou denies the divinity of Jesus Christ?

“Answer.—As respects the divinity of Jesus Christ, I apprehend the minister in the society of Friends has more often in his public communications, asserted the divinity of Jesus Christ the Son of God, than I have, assuring my hearers, that he was fully swallowed up into the divine nature, and complete divinity of his heavenly Father. But I never believed that Jesus Christ, the Son of God, was the *father of himself*, but that he was truly the Son of God, endued with power from on high, by which he was qualified to usher in and introduce the new covenant dispensation, as prophesied long before, by Jeremiah the prophet, when all outward mediation should cease, as the law of God was now to be written on the inward table of the heart, and not on tables of stone, or with pen, ink, and paper; after which no man was to say to his neighbour or brother, know the Lord, or all shall know me from the least to the greatest. This is the covenant that I acknowledge, and I acknowledge no other, and this I consider the only real gospel covenant.

“3d Query.—Dost thou wish to be understood as denying the authenticity of the Scriptures of truth, or as wishing to undervalue them; or would thou encourage all to the frequent and diligent perusal of them, as being able, under divine illumination, to make wise unto salvation?

“Answer.—As respects the Scriptures of truth, I have highly esteemed them from my youth up, have always given them the preference to any other book, and have read them abundantly more than any other book, and I would recommend all to the serious and diligent perusal of them. And I apprehend I have received as much comfort and instruction from them as any other man. Indeed they have instructed me home to the sure unchangeable foundation, the light within, or spirit of truth, the only gospel foundation, that leads and guides into all truth, and thereby completes man's salvation; which nothing else ever has, or ever can do. But why need I say these things, as all men know, that have heard me, that I confirm my doctrine abundantly from their testimony. And I have always endeavoured sincerely to place them in their true place and station, but never dare exalt them above what they themselves declare; and as no spring can rise higher than its fountain, so likewise the Scriptures are only direct to the fountain from whence they originated—the spirit of truth: as saith the apostle, “The things of God knoweth no man, but the spirit of God;” therefore, when the Scriptures have directed and pointed us to this light within, or spirit of truth, there they must stop—it is their ultimatum—the topstone of what they can do.

And no other external testimony of men, or books, can do any more. But Jesus, in his last charge to his disciples, in order to prevent them from looking without for instruction in the things of God, after he had led them up to the highest pinnacle that any outward evidence could effect, certified them, that this light within, or spirit of truth, by which only their salvation could be effected, dwelt with them, and should be in them. And this every Christian knows to be a truth; and there never was a real Christian made by any other power than this spirit of truth; and everything that can be done by man, without it, must fail of effecting his salvation.

“4th Query.—Dost thou believe there is no accountability beyond the grave, or that there is no state of rewards and punishments after death?

“Answer.—This charge which I hear has been made against me, is altogether such a bare-faced and palpable falsehood, that I can hardly believe that any man could be ignorant and wicked enough to fabricate such a story, nor that any man that knew anything about me, could give the least possible credit thereto; as I have spent a great portion of my time in travel and exercise, having travelled thousands and tens of thousands of miles, leaving behind me every tender and sweet enjoyment that this life can afford, for no other cause than to promote truth and righteousness among my friends and fellow-creatures, that they might be prepared to die, and enter into that eternal inheritance, prepared for the righteous, where the wicked cease from troubling, and the weary are at rest; fully believing that every man will reap the reward of, well done good and faithful servant, or receive the sentence, depart from me ye workers of iniquity, I know you not.

“5th Query.—When thou speaks of our coming up to a level with the man Christ Jesus, dost thou mean level in our several capacities—I mean that the one talented servant, perfectly occupying his one talent, is as perfect as the five talented servant perfectly occupying his?

“Answer.—To this I need say but little, as thou hast given a correct solution of it. That as God is no respecter of persons, he, therefore, deals out to all his rational children with an equal hand, as is beautifully set forth by Jesus in the parable of the talents; for had the one talented servant faithfully employed his one talent, and gained another, he would have stood as high in his Lord’s favour, as the five talented servant.

“Therefore, as his beloved Son had a much greater work on earth than any other man, so he had a much greater fulness of the spirit than any other man; “For he whom God hath sent, speaketh the words of God: for God giveth not the spirit by measure unto him.” John iii. 34. I believe with Peter, when he thus expressed himself, “Jesus of Nazareth, a man approved of God among you by miracles, and wonders, and signs, which God did by him, in the midst of you, as ye yourselves also know.” Acts ii. 22, and again,

"How God anointed Jesus of Nazareth with the Holy Ghost and with power; who went about doing good, and healing all who were oppressed with the devil: For God was with him." Acts x. 38. This "Holy Ghost and power," I believe is the only Saviour that can cleanse the soul of man from sin, and give him an inheritance among all them which are sanctified.*

"6th Query.—What relation has the body of Jesus to the Saviour of man? Dost thou believe that the crucifixion of the outward body of Jesus Christ, was an atonement for our sins?

"Answer.—In reply to the first part of this query I answer, I believe, in unison with our ancient Friends, that it was the outward garment, in which he performed all his mighty works, or as Paul hath expressed it, "know ye not that your body is the temple of the Holy Ghost which is in you;" therefore, he charged them not to defile those temples. What is attributed to that body, I acknowledge and give to that body, in its place, according as the Scripture attributeth it, which is through and because of that which dwelt and acted in it. But that which sanctified and kept the body pure, and made all acceptable in him, was the life, holiness, and righteousness of the spirit. And the same thing that kept his vessel pure, it is the same thing that cleanseth us.

"In reply to the second part of this query, I would remark, that I see no need of directing men to the type for the antitype, neither to the outward temple, nor yet to Jerusalem, neither to Jesus Christ or his blood, outwardly; knowing that neither the righteousness of faith, nor the word of it, doth so direct. The new and second covenant is dedicated with the *blood, the life* of Christ Jesus, which is the alone atonement unto God, by which all his people are washed, sanctified, cleansed, and redeemed unto God.

"I may add, it has always been the lot of the Lord's faithful servants, in every age of the world, to be cried out against, and it makes good the saying of the apostle, "All that will live godly in Christ Jesus shall suffer persecution."

"I conclude that thou hast not given thyself the trouble to read any of my public communications, as taken down by M. T. C. Gould the stenographer; as in them, all objections are answered, in regard to my belief and doctrine:—Read volume 1st, and first communication, in a work called "The Quaker," and a letter I wrote to a friend in Chester county, Pennsylvania, under date Seventh-month 22d, 1827, in answer to four queries similar to thine, published I believe, in the latter part of the fourth volume of the same work.

"With love to thy dear wife and children, I remain thy sincere friend,

"ELIAS HICKS."

* John, chap. xvii. 21, 22, 23. 1 John, chap. iii. 1, 2, 3, 4, 5, 6, 7. chap. iv. 17. Eph. chap. iv. 11, 12, 13. Rom. viii. 14, 15, 16, 17, 18.

As to the answers to these queries, it will not be contended that the answers of Elias Hicks are not orthodox; and as Samuel Parsons, in page 212, first volume of Evidence, says that they were drawn with care, and intended to be favourable to the views of his friends, it is of the more weight in this case. But it accords with his cotemporary declarations; in same book, page 229, he says, that he believed in the miraculous conception. This, Joseph Whitall is constrained to testify in justice to Elias Hicks, and Elias Hicks fearlessly appeals to the whole manner of his life for twenty years, to prove these answers are in conformity to the doctrine held by the ancient Friends. The court will at once perceive their coincidence with the approved writers of the society, whose works have been filed. But the Orthodox themselves considered them in this light. In page 212, first volume of Evidence, *Samuel Parsons* says, "That it is the common belief, that these queries were written and addressed to Elias Hicks, with a view of eliciting from him an exposition of his principles that would be favourable to the views of his friends." You have here a distinct confirmation of the fact, that if the opinions of Elias Hicks were originally unsound on the subject embraced in those queries, he gave them up and adopted those favourable to the views of those for whom they were designed: a positive admission, not only of the soundness of the doctrines of the answers to the querist, but also of those of Friends charged with being Hicksites. They were drawn up with care, and may be considered as containing a clear statement of his sentiments on the subjects embraced in them. If we are to look at Elias Hicks as connected with this controversy, we are to take his own views and sentiments, not those which may be fabricated for him by other persons. He himself expresses his great surprise, that after a course of life, the whole tenor of which had attested to the soundness of his principles and conduct, such charges could be brought against him. And you are not entitled to fritter away his own solemn declaration, by the statements of witnesses whose memory may be frail, and who cannot be expected to retain the precise phraseology made use of, after a lapse of many years.

But I submit, that whether this was so or not, is quite immaterial. Decow denies any connection with Elias Hicks; he denies that Elias Hicks ever has been his leader; he denies that he follows any man as such; but he asserts that he is an humble and an faithful follower of Jesus Christ, the great head of the church upon earth. Have the opposite party shown the existence of any connection with Elias Hicks or his opinions? Or, because Elias Hicks was unsound, is the Chesterfield preparative meeting thereby made so too? Or are the great majority of that meeting to be deprived of their privileges? or is a fund which was rightfully in their possession, to be forfeited by them for the acts of another, or for sentiments and opinions which they have neither put forth or approved? The court must look at our own acts or opinions, and in them alone find the evidence by which we can be affected or bound. In respect to this controversy,

is enough for men to declare the faith which they profess, no matter whether they live up to its injunctions or not; with that the court cannot interfere. When the separation took place in the yearly meeting of Philadelphia, did any of the Friends ever declare that they entertained a new faith? And have they not here expressly declared that they adhered to the old one? I refer to page 8 of the Address of the Green street meeting, of the 21st April, 1827: "And we think proper to remind you, we have no new gospel to preach, nor any other foundation to lay than that already laid and proclaimed by our forefathers, even Christ within, the hope of glory, the power of God, and the wisdom of God. Neither have we any other system of discipline to propose than that we already possess." Here declaring that they had no new gospel to preach, no new faith to promulgate, no new doctrine to introduce; but that they adhered closely to those which were coeval with the foundation, and interwoven with the very vital parts of their association. And in the Address put forth by the general meeting, in the Sixth month of 1827, they are equally explicit. In the Epistle of the Tenth month, they distinctly vow that they hold to the doctrines of the ancient faith, and to the discipline of the society. And in the yearly Epistle of the Fourth month of 1828, they speak in terms equally unequivocal. I will not detain the court by reading the many passages which might be cited to this end; they all, however, assert the same thing.

How, then, can all this be overcome? only by evidence. And if this be so, and if a society is not to be made responsible (and I apprehend it will never be contended that they are,) for the acts of individual members, unless it has made these acts their own by direct acknowledgment, we may confidently rely on this evidence to show that we have been guilty of no departure from doctrine; for the evidence of our solemn acts, declarations, and assertions, stands wholly uncontradicted.

Having, then, as I trust, disposed of the grounds on which this departure is charged, I shall proceed to inquire whether Hendrickson and those whom he represents, have succeeded in establishing that the doctrines put forth in his bill, are truly the doctrines professed and held by the ancient society of Friends. This seems to have been assumed by the learned judge whose opinion I am considering, and that assumption appears to pervade the decision throughout. I have already gone over that subject in one point of view, and I now again ask the attention of the court, whilst I endeavour to show that there is no evidence, that the doctrines enumerated by Hendrickson in his original bill and answer, are fundamental, essential, and characteristic; and if they are not, the whole ground of claim, so far as relates to doctrine, fails.

I beg the court to attend to one or two views which I shall very briefly present of this subject; and I first call your attention to the doctrines put forth in the original bill and answer. The court will remember the manner in which the Orthodox party, in their bill and

answer, have brought forward the great fundamental doctrine of the ancient society—the belief in the inward revelation of the Holy Spirit. According to the creed which they have put forth, this great distinguishing characteristic of the association, its very vital principle, its “corner stone,” as William Penn emphatically terms it, occupies altogether a secondary and subordinate place in the doctrines of the society. They indeed admit that the light within is primary, but in the operations which they ascribe to it, they manifestly take away the influence of that spirit, as it has hitherto been understood. It ceases to be “an unction from the Holy One,” which needeth “not to teach as man teacheth, but as this anointing teacheth.” And you will find it equally omitted in the Extracts. In these extracts, prepared in 1823, there was not one in which this fundamental doctrine was set forth. How, then, when by their own act in omitting to recognize this doctrine, they virtually reject it, can they possibly charge a dereliction upon others?

Without a distinct recognition of this principle as the fundamental essential, and characteristic doctrine of the society, no matter what other doctrines are held and professed, no one can claim to belong to the society of Friends. In the formal creed, published by the Orthodox since the separation, it is mentioned only in the preface. Why is all this? Was it designed to ensnare and entrap the members of the society into an indifference as to the fundamental belief. To prepare them gradually to look upon it as unessential, and then to throw off the distinctive badge of the society.

Again; look at the pleadings and exhibits which they have made in this cause; you find nothing on the subject of the rejection of creeds. And yet, till now, all their approved writers have protested against them, and the discipline itself condemns them as “the impositions and teachings of men,” and vindicates “liberty of conscience,” and enjoins upon its members to maintain it inviolate. There are other matters of importance also, which the society have always considered equally essential, although of minor importance.

I have shown the Orthodox to be unsound on the great characteristics of the society, and I will now show them to be silent about the minor. What do they say in their bill and answer, their extracts of 1823, and their formal creed adopted since the separation, about the *cardinal testimonies* of the society, against war, a hireling ministry against taking oaths, against going to law with brethren, and a concern to observe the golden rule, “Do unto all as we would they should do unto us.” Yet every one knows, that these are the cardinal testimonies, and characteristic badges of the society of Friends; but so far as appears from the pleadings of the Orthodox, and the creed put forth as containing the fundamental doctrines of the society, man may take oaths, engage in wars, hear a hireling ministry preach &c. &c., and yet be a very good Quaker! They have not made these testimonies essential, or characteristic of the society of Friends: they have selected those controversial, doctrinal questions of Christianity

which have ever been the prolific source of dissension and division among the different sects of our religion; and on all other matters, however fundamental, essential, and characteristic they may always have been, they are silent; thereby implying that all others are unessential, and not necessary to characterize the society.

Nor do they say, (and perhaps it is wise that they have not said,) anything in relation to their concern to act on that golden rule of Christianity, "Do unto all as we would they should do unto us." This omission was wisely made; for whilst they were attempting to deal out moral destruction upon us, whilst they were shouting in the tone of exultation, and the language of triumph, "all or nothing;" "we will deprive you of your heritage, and your innocent offspring which were to receive its full benefits in future times, shall but mourn over its loss;" they did well not to suffer the glaring inconsistency of their conduct to be contrasted with such a Christian profession.

What do they say about going to law with their brethren? They say that Shotwell is disowned, and was not, at the commencement of this suit, a member of their society, and therefore they have not violated their discipline in this respect. But against whom did they originally commence the suit? Was it not substantially against that part of the preparative meeting at Chesterfield, whom they opprobriously call Hicksite, many of the members of which were not disowned? Was it not intended to deprive them of their rights, civil and religious; and designed to compel them to go to law with brethren, or stand quietly by and see themselves stripped of their property, and expelled from their places of worship? This, however, was but one of the subterfuges to which they have resorted. Shotwell was but the nominal party in this suit, and they knew and purposely framed their original bill to bring on a suit at law with those whom they could not deny to be brethren without endangering their discipline.

What do they say on the subject of a hireling ministry? This is one of the testimonies which the society has always borne, and for which ancient Friends suffered more persecution than for any other cause. Here they are silent; not a breath has escaped them; and then, on the grounds of superior purity of faith, they seek to disannul us, it is most singular that they should fail even to place on their record, the peculiar characteristic badges by which they are distinguished. But this would not suit their purpose: they were about to blur the line between them and the ancient society of Friends. That ancient society rested not on outward ceremonials, but on spiritual influences; and the inward operations or teachings of the Spirit; and whenever any of their members resolved to depart from the belief of those spiritual influences, and to resort to creeds which were the mere offspring of human impositions and human teachings, it was of course proper that they should leave space for the introduction of a hireling ministry. The innovation is moving onward at a steady, but a certain pace; as it progresses, you will frequently see seminaries and col-

leges for the education of ministers rise up; and hireling ministry, and all the forms and outward ceremonies, which it was the object of the primitive fathers of this church to avoid, will follow in their train. Man alone can be the interpreter of a creed framed by man; and the natural consequence must be that a ministry must be procured to solve the mysteries in which that creed will be involved. Reject the "light within," the unction from the Holy One,—reject what this "anointing teacheth," and you need man to teach you. The whole superstructure of the society rests upon this foundation of the teachings of the Holy One.

This is not anticipation, it has already become history; for you find that after this separation took place, a creed was adopted by the Orthodox; they published the repudiated extracts of 1823, as the act of the society; nay, they proceeded still further. By a convocation, not indeed of bishops, for they have scarcely yet travelled so far in the grades of hierarchy, nor yet of priests, nor of a synod, but of delegated committees sent from the several yearly meetings on this continent, they formed a creed. This act alone, separates them entirely, in belief, in practice, and in testimonies from the ancient society of Friends.

We insist that we have brought conclusive evidence, to show that the Orthodox Friends themselves have departed from their original principles; that they have adopted a doctrine which was always repudiated by the society of ancient Friends, and which must necessarily lead to the rejection of the fundamental doctrine of the light of Christ within. I make no complaint of this, although they seek to deprive us of our birthright and our inheritance, although they demand a forfeiture against us for an alleged departure from the orthodox faith of Friends. We do not question their right so to do—we ask no forfeiture against them, but we insist, and I respectfully submit, that we have shown that the standard of orthodoxy, by which they attempt to try us, is not the belief of the Quakers; that it is not the fundamental truths of the ancient Friends: but that it is made for the present occasion, and consequently from motives of temporary expediency. It does not go far enough to connect itself with the belief of the Episcopalian, the Baptist, nor any other sect professing the trinitarian creed, which it is reaching to; but on the other hand, it departs from that faith of which it falsely professes itself to be a part. It leaves the plain, simple, and consistent doctrines of the Quaker society, and places itself upon the footsteps of the steeple-house. But it does not enter; that is reserved for a future effort. At present they are content with a state of *betweenity*.

I now dismiss the subject on the ground of doctrines. I therefore submit, finally, that the issue made by Hendrickson is entirely unsupported by proof. He has wholly failed to establish that the creed set forth by him in his bill and answer, as the faith professed by him and his associates, is the faith held by the ancient society of Friends; to be found in their ancient approved writers, and in the discipline

the society. That he has wholly failed to prove that Decow and his friends ever held or professed the doctrines which, by the pleadings, Hendrickson charges them with holding. That even if the faith of ancient Friends was as Hendrickson pretends, he has not proved any departure from it by Decow and his friends, and therefore that the whole allegation contained in the original bill and answer, that the *Hickaite* party have seceded from the doctrines and separated from the discipline, is without foundation in its commencement, unsupported by proof in its progress, and must be unsuccessful in its termination.

And finally, that Decow, who stood on the defensive, has done what he was not compelled to do—proved distinctly and beyond doubt, that the fundamental truths which he sets forth in his answer, those of the ancient society of Friends to be found in their ancient approved writers, and in their discipline, are the fundamental, essential, characteristic doctrines of the ancient society of Friends, and are held and entertained by him and his friends. That they never have seceded from them, and that the allegation of Hendrickson, in respect to doctrines and his claim of forfeiture founded thereon, has failed, not only by want of proof, but has been overcome and disproved by conclusive evidence.

(The court adjourned.)

Thursday afternoon.

MR. WALL resumed:

May it please your honours, when the court adjourned, I had endeavoured to satisfy it, that the charge brought against the society of Friends, that they had seceded from the faith of the ancient society of Friends, was unsupported by evidence; and that upon the doctrinal subjects set forth by Hendrickson, as the fundamental doctrines of the society, liberty of conscience in interpreting Scripture testimony respect to them, was tolerated by the ancient society of Friends. or is it strange or anomalous, when we look to the great fundamental principles on which the society was gathered together, that the same principles of toleration or liberty of conscience were carried to that extent. I have shown what Decow and his friends consider to be the foundations of the society. The society was founded, continued, and grew upon principles of toleration. It was not considered that disunity of opinion on doctrinal subjects alone, was sufficient ground for disownment. Something more was necessary. It must be evinced by outward acts; a denial of the fundamental truths of the society, or carried out by a departure from the inward bond—the life of righteousness—that purity of life and conduct which the light within, if properly followed and submitted to, is sure to pro-

Before I proceed, however, to the second ground of the argument, there is one view which appears to me of great importance, which I wish to submit to the court. It is contended on the part of Joseph Hendrickson, that the society at Chesterfield hold their property by the tenure of connection, in doctrine and discipline, with the Arch street yearly meeting in Philadelphia—a meeting out of the state of New Jersey, and a majority of the members not amenable to its laws. Is it consistent with the principles of our government—is it consistent with the grounds on which this fund was created, that its very existence, and the uses to which it shall be applied, should depend on the fiat of a yearly meeting existing out of the state of New Jersey, and a majority of whom are not citizens of the state? In connection with this view, I also call your attention to the principle the learned judge has laid down, in page 77 of his opinion: “In searching for the doctrines of the society, it is, in my opinion, not necessary to inquire whether there were any differences of opinion among their ancient writers, provided that the society had, for a long time before this fund was established, promulgated, as a body, their religious doctrines, and had settled down in harmony under them. It is a body of Friends, with their settled and known characteristic at that time, which is contemplated in the trust.”

I will call the attention of the court to one or two considerations that thence arise. Suppose the yearly meeting of Arch street, composed—not of the members of the preparative meeting of Chesterfield—not of the members of the different preparative, monthly, and quarterly meetings in New Jersey—but of the members of preparative, monthly, and quarterly meetings in other states, and thus composing a great majority of that meeting, should venture to change the discipline in regard to doctrine. Are the members of Chesterfield meeting to be disfranchised, divested of their rights, because they cannot change with Arch street meeting? If the principle of the learned judge is admitted, it must go to that extent.

It is distinctly avowed in this suit, that the preparative meeting at Chesterfield have forfeited their rights, in consequence of not adhering to the yearly meeting of Arch street, and therefore have departed from the doctrines of ancient Friends. And I do, in the outset, solemnly protest against being tried in the principle, that whatever are the acts of the Arch street yearly meeting, or any other meeting in Philadelphia, we are bound by them, *per se*, here. We humbly insist that we do not hold our property by the absolute sufferance of that meeting, or the construction it may put on points of doctrine or discipline. Chief Justice Gibson, in the supreme court of Pennsylvania, in the case of the Methodist Church of Pittsburg *v.* Stephen Remington and others, in October term, 1832, inquires how far a trust, in favour of what may, in some respects, be considered a foreign society, is consistent with the spirit of their laws, and seems to think that the members of a religious society, a vast majority of whom are strangers to their laws, should not be let into the benefits of the trust.

and without legislative license. The principle seems to me a sound one, and to embrace this case. The great mass of the yearly meeting of the society of Friends, at Philadelphia, are not citizens of New Jersey, and, as a religious society, could not claim the benefits of our self-incorporating act, which is confined to religious societies in the state. The yearly meeting of Philadelphia could not, according to the policy of that act, hold property in New Jersey. Can we, then, give such effect to an act of that yearly meeting, as will divert property lawfully held by our citizens? Shall the yearly meeting be permitted to do indirectly, what it cannot do directly?

We are then, here, in regard to this property, not to look to any construction which the yearly meeting may have put on the bond which bound the two meetings together, but to the bond itself. We may inquire if the bond has not been broken, or perverted to objects not originally in view. If so, we are not bound by the acts of that meeting. To determine this, we must recur to the bond of union between the two meetings, and not to the construction put on it by the Arch street meeting. A court sitting in New Jersey will never look to the acts of a religious society beyond its own jurisdiction, to determine the rights of its own citizens, where they did not participate in them. It can never be admitted by the highest court of New Jersey, that the property of its citizens shall be determined by acts committed out of the state, by a society not bound by its laws or owing allegiance to it.

In Pennsylvania, where these acts were done, the courts will not follow the acts of any body, either civil or ecclesiastical, existing beyond their own limits, to operate on the rights of the citizens of that state, in ecclesiastical property. Such is the doctrine thrown out by the supreme court of Pennsylvania in the case already cited. Although professing to rest itself upon legislative enactments, it contains a sound principle. If the yearly meeting, whose acts are involved in this case, had been held at Burlington, instead of Philadelphia, the highest court of Pennsylvania would not have admitted its proceedings as evidence, in deciding on claims to property in Pennsylvania.

But if we are to be affected by the acts of the yearly meeting, still it should lay down rules or establish principles not authorised by the discipline, if it ceases to perform the objects in view in its formation, and no longer answers the end originally designed, then *ipso facto*, the preparative meetings in New Jersey are absolved from all allegiance to it. In this case, the yearly meeting must be limited by the discipline which was in existence when the fund was created. The characteristic badges of the society of Friends cannot depend on the doings of the yearly meeting of Philadelphia. The question must first be settled; was the conduct of the yearly meeting conformable to the discipline? If the yearly meeting has violated the discipline, it cannot rightfully exercise a control over the Chesterfield

preparative meeting, nor can its acts affect property held by citizens of New Jersey under its own jurisdiction and laws.

I will take the liberty of illustrating this by one or two cases: Suppose that the yearly meeting should determine to say to the members of the preparative meeting, you should, instead of believing in the former doctrine of the society of Friends, in regard to the inward light, believe in what we now teach you. You are to take the Scriptures as the grounds of your belief, with the interpretation we put on them. This inward light is an *ignis fatuus*. It will delude you. Suppose the yearly meeting should say, that, instead of the old doctrines of the society in regard to baptism, the Lord's supper, &c. the members of the preparative meeting should believe in water baptism and the common mode of administering the sacrament, held by other sects. Suppose that they should substitute, for the faith and hopes of the Friends, their inward and spiritual religion, a religion of outward ceremonies and forms. Would the Chesterfield meeting be bound by such acts and changes? Would it forfeit its rights of property, if it would not submit? Suppose the yearly meeting had said, that the Chesterfield preparative meeting should not appoint teachers to its own school, but the yearly meeting would appoint them. Heresies have crept in among you. You are not fit to be trusted with the education of your children, or the situation of teachers. Suppose that the yearly meeting had directed that this fund should be thrown into a common fund of the yearly meeting, to be under the direction of the meeting for sufferings. Surely it will not be said, the Chesterfield meeting will be bound to submit in such a case.

I therefore deny altogether that the Chesterfield preparative meeting of Friends at Crosswicks, can upon any legal principles, hold their property in New Jersey, on the tenure of recognising their connexion with Arch street yearly meeting in Philadelphia, or being recognised by them; you do not find any such provision in the subscription out of which this trust-fund originated. It is not in their institutions, in their discipline, nor has it ever been in any way sanctioned by them. All that it is enjoined upon them is, to recognise their subordination to a yearly meeting, and to the discipline adopted by them. But it is against the very discipline of the society to attach any obligation to the observation of public fasts, feasts, and holy-days, or such injunctions and forms as are devised in man's will, for divine worship. It would be strange, therefore, if a society which holds that the worship and prayer which God accepts, are such only as are produced by the influence and assistance of his holy Spirit, should make their dearest civil and religious rights depend on their conformity to the time and place of a meeting, and on the form and not the substance.

If I have been successful, in establishing my first position, that Decow and his friends have not seceded from the faith, and fundamental doctrines of the ancient society of Friends, or that Hendrickson has failed to prove, that the creed he sets forth in his bill and

answer, are the fundamental doctrines of that society, this court must decide that Hendrickson has failed in his attempt to divest Decow and his friends of their right in this fund, upon the allegation of secession from the doctrines of the society. This, in my opinion, relieves the case of all difficulty, and will ensure a reversal of the decree made in this case. I can hardly persuade myself, that if this court should be with us upon the great point, that it can be possible, even if they should suppose that Decow and his friends have departed from the discipline of the society, in adhering to the new meeting instead of the old one held in Philadelphia, that, for such a misapprehension, or misallegiance, they forfeit their rights of property. Can it be successfully contended, that a majority of a religious association, honest in their views, faithful in their religious principles, and loyal to their institutions of government, forfeit their property because they commit an error in their interpretation of their discipline. It seems to me, that this is neither the time nor place for the establishment of such a principle. Fearful, indeed, would be the consequences of such a doctrine. This court would pause before they adopted such a principle.

The next question which I propose to discuss, relates to the discipline of the society. Hendrickson alleges, that Decow and his friends have seceded from the religious institutions, government, and discipline of the society of Friends. This is denied by Decow and must be proved by Hendrickson.

It was a consolation to me, in examining the opinion of Justice Drake, that I was relieved from the concurrence of the Chief Justice, in his opinions as to the doctrines of the society. It was only his opinion that I had to combat. So it is to me a source of congratulation, that in proceeding to investigate the opinion of the Chief Justice, I have with me, if not the opinion, yet certainly the doubts of his learned associate, expressed in no unequivocal language, in respect to some important principles, that we meet at the threshold of this discussion. In page 62 of his opinion, Judge Drake says: "If this preparative meeting were an independent body, acting without the influence of any conventional principle operating upon this point, the act of the minority on this occasion would not affect the power of the majority, who remained in session, however it might expose itself and the members composing it, to disabilities. But the right to make appointments and to exercise the other functions of the preparative meeting, would still continue with the larger party." Again in page 71, he says: "Here were two great parties, dividing not only the numbers, but the talents, the experience, and piety of this society, separated on important questions, and each tenacious of its *own* opinions. How shall this controversy be decided? It is a general principle relating to all associations of men, that all the members of a meeting, who have a right to a voice at all, have a right to an equal voice, unless there be something in the terms of the association to vary those rights. It is conceded that all the members of this society

have a right to attend the yearly meetings, and that the clerk may notice the opinions of all. (1st vol. Ev. 85, 383.) How then is he to distinguish between them? The usage to accord superior weight to superior piety and experience, has indeed been uniform, yet it seems to want that degree of certainty in its application, which an imperative rule of government requires. Who is to judge which members have the most wisdom, or the greatest share of the spirit of truth? Each individual may concede it to another, so as to yield his own opinion, if he will. But who shall judge of it for a whole assembly? Who shall allot among a great many individuals, their comparative weight, if any body it must be the clerk? The result is, that the government, if not a democracy, very much resembles a monarchy." "Will he (the clerk) always declare them truly? To err is human. He may be directed by light from above, or follow his own will?" Again in page 72, he says: "Hence the clerk is suffered to gather the feeling and sense of the meeting from those who have long manifested a spiritual walk and conversation, aided by the agency of the Spirit of truth in his own mind. But it is at least possible that a meeting should be unfitted in a measure for this intercourse with the Spirit, and the clerk may be influenced by earthly passions, and have a will of his own to subserve, as well as that of the Great Head of the church. Should such a case arise, the government becomes not what it was intended to be. May it not be said, that in such a case the condition on which the power of the clerk and the minority is founded, is broken," &c.

I submit, therefore, that I enter upon the second branch of this subject, aided by the suggestions of the learned judge, if not supported by his views.

I have already shown what was the object and end of establishing the discipline of the society. It was for the worship of God in spirit, and for the exercise of a tender care over each other in gospel love.

Before entering upon this discussion, it will be necessary to call attention to the different meetings of the society, as established by the discipline, and the manner in which they are made subordinate to each other. This is explained in the discipline. The preparative meeting is that in which, as its name indicates, business is prepared for the monthly meeting. A preparative meeting may be the owner of property; and I shall be able to show that, in regard to ownership of property, there is no subordination of one meeting to another—none of preparative meetings to monthly meetings, of monthly meetings to quarterly meetings, or of quarterly meetings to the yearly meetings. The subordination is simply in respect to advice which may or may not be asked. When unity cannot be obtained in any matter arising in an inferior meeting, such meeting may or may not seek advice of a superior meeting. This advice when given, may or may not be followed.

The cases in which meetings are subordinate to one another, are

to be found in the discipline. If not found in the discipline, we are not to look for them anywhere else. Usage or custom cannot control a plain, unambiguous, and written rule, or confer a power not given by the discipline. This principle, I think, will not be disputed. When legal rights depend upon a discipline which may be considered the constitution of a society, they are to be decided by a construction of the discipline itself. No usage can control its plain language or give a power, not imparted by it. No power can be implied, except what is clearly necessary to carry into effect a power expressly granted, and this must be in conformity to the spirit and intent of the discipline. A construction founded on usage and precedent is at all times dangerous, and must be watched with guarded caution. This is the engine which cunning and power apply to overthrow the firmest pillars of human rights and the bulwarks of civil and religious liberty. Acts, which may be tolerated for the good they effect, and adapted with unity to meet a case not provided for by the discipline, cannot be made to furnish an unwritten rule contrary to that which is written. I protest against our being bound by anything but what we have consented to, and what is to be found in the discipline.

In regard to the construction of the discipline, the great rule of construction, applicable to all grants of power, is to be resorted to. Whatever is not delegated or granted by the society, remains with the society, and unreserved.

In page 31, of the discipline, the nature of meetings for discipline is described. Here it is said, "The connexion and subordination of our meetings for discipline are thus: preparative meetings are accountable to the monthly, the monthly to the quarterly, and the quarterly to the yearly meeting. So that if the yearly meeting be at any time dissatisfied with the proceedings of any inferior meeting, or a quarterly meeting with the proceedings of either of its monthly meetings, or a monthly meeting with the proceedings of either of its preparative meetings, such meeting or meetings ought, with readiness and meekness, to render an account thereof when required."

The subordination is as to discipline, and the power exercised by the superior meeting is by advice. The discipline stops there, and neither supposes or provides for a case which could not be foreseen. When the overshadowing of the great head of the church, which is the theory of their institutions, should not produce unity and harmony in the society, it prescribes that the subordinate meetings ought, with readiness and meekness, render an account to the superior meeting when required. But, suppose they do not, does it follow, that they must surrender all their rights, civil and religious. The subordination is in conformity to the great principle of law upon which the foundations of the association rest. It implies an assent on the part of the inferior meeting. The inferior meetings do not hold their civil rights in consequence of that subordination. The

act which calls forth the supervision of the superior meeting, must originate with the inferior.

In page 3, it is directed, that a book be provided by every monthly and quarterly meeting; and fair minutes be kept therein, of all matters which shall come before them, and be determined by them: and monthly meetings, particularly, are advised to attend to, and finish all such business with care and despatch, that it may at no time suffer by improper delay: and if any case under consideration proves too weighty or difficult for them to determine, they should apply to their respective quarterly meetings for assistance: or, if the circumstances are such as to require it, refer it thereto by minute.

Again, in page 35; "It is advised, when any transgress the rules of our discipline, they may, without partiality, be admonished and sought in the spirit of love and divine charity, so that it may be seen by all, that the restoring spirit of meekness and christian love abounds, before church censure takes place, and that a gospel spirit is the spring and motive to all our performances, as well in discipline as in worship."

In page 31; "It is agreed that no quarterly meeting be set up or laid down without the consent of the yearly meeting; no monthly meeting without the consent of the quarterly meeting; or any preparative or other meeting for business or worship till application to the monthly meeting is first made: and when there approved, the consent of the quarterly meeting be also obtained.—Also, that no meeting for worship intended to consist of Friends belonging to two or more monthly meetings, shall be set up until the proposal be offered to, and approved by both those monthly meetings, and the consent of their respective quarterly meeting or meetings be obtained."

In page 37; "As the use and design of preparative meetings is in general to digest and prepare business, as occasion may require, which may be proper to be laid before the monthly meeting, Friends ought to be careful therein, not to occasion unnecessary delays, or undertake to decide on any business which claims attention and care in monthly meetings, and when cases are agreed to be carried forward, they should be entered in writing, and some suitable Friend or Friends named to produce them to the monthly meetings."

This, then, is the subordination of the meetings. The preparative meeting is subordinate to the monthly, the monthly to the quarterly, and the quarterly to the yearly: one distinction between an inferior meeting and a superior meeting, is, that the members of the inferior meeting, within the bounds of a superior meeting, are members of the superior meeting, but the members of the superior meeting are not, *ipso facto*, members of the inferior meeting.

The yearly meeting is not composed of representatives of the other meetings, but is composed of the society at large. Any member is entitled to appear in the yearly meeting, and take a part in its proceedings. The yearly meeting is the assemblage of the whole

body, with all their original rights as members, in full force. They meet on the floor of entire equality of rights, privileges, and interest.

The court will perceive that the discipline proceeds, throughout, on the principle of a perfect equality of rights being possessed by all the members. No privileges are claimed for any particular order of men, or on the ground of the weight, the qualifications, or the talents of any man. The effect of any communication any one may make, must depend on the wisdom it may contain. All belonging to the society meet in yearly meeting, or may, if they see proper; and there, no order of men has precedence or pre-eminence.

It is true, representatives are appointed from the quarterly meetings to the yearly meeting:—In page 33, of the Discipline, “It is agreed, that a suitable number of men and women be appointed in each monthly meeting to attend the service of the quarterly meeting, with such reports in writing, signed by their clerks, as may be given them in charge. *Also*, that at least four of each sex be appointed in each quarterly meeting to attend the yearly meeting:”—but for what? Simply to carry up the proceedings of the quarterly meetings, as may be given them in charge; and by *usage* to nominate a clerk to the yearly meeting. This does not depend on the discipline. There is no discipline on the subject, but the power of the committees, to make such appointment, is drawn from analogy to the injunctions of the discipline, page 37: “A committee should be annually appointed in each of our quarterly and monthly meetings for the nomination of clerks, which may afford opportunity for their being seasonably changed, and more of our qualified members, exercised in those services.”

Mark the jealous caution with which power is taken from the many and given to the few, and the strict limitations which always accompany it. And mark, also, I beg you, that in all cases, the acts of those to whom any authority is given, requires the ratification of the members themselves in a meeting capacity. In truth, these appointments, like all others, are considered as services imposed for the benefit of the society, rather than as delegations of substantive power. In page 33, of the Discipline, “It is earnestly advised and desired, that all Friends who *submit* to these, or any other *services*, may be punctual in their attendance thereon.”

It is necessary to call the attention of the court to another article of the discipline. It is the only article or provision to be found in the discipline, in relation to appeals. No provision is made for an appeal from an inferior to a superior meeting, except in cases in which a member considers himself aggrieved by the judgment of an inferior meeting.

“If any person be dissatisfied with, or think themselves aggrieved by the judgment of a monthly meeting, they may, after a copy of the testimony is delivered to them, notify the first or second meeting, (but no other,) of their intention of appealing to the ensuing quarterly meeting: which notification the monthly meeting should

enter on its minutes, and appoint four or more Friends, to attend the quarterly meeting with that, and copies of the minutes of the men's or women's meeting, relative to the case, signed by the clerk or clerks, there to show the reasons whereon that judgment was founded, and submitting it to the said meeting. The quarterly meeting is then to refer the same to a solid committee of Friends, (omitting those of the monthly meeting from which the appeal comes,) and to confirm or reverse the said judgment as, on impartial deliberation, shall appear to be right, taking care to inform the parties of the result.

“ If such appellant is dissatisfied with the judgment of a quarterly meeting also; and, on being informed thereof, shall notify that, at the next, (but not afterwards,) of their intention to apply to the yearly meeting for a further hearing, the said quarterly meeting, after recording such notification, is in like manner to appoint at least three Friends, to attend the yearly meeting with copies of the records of both the monthly and quarterly meetings in the case, signed by their clerks; here it is to be finally determined, and a copy of the determination is to be sent to the meeting from which the appeal came.”

From this it appears that the appeal, as I said before, is confined to cases in which an individual thinks himself aggrieved by the decision of an inferior meeting. A meeting in a meeting capacity can not appeal from the judgment of any meeting. The appeal can lie only by individuals. The appellate jurisdiction is limited to those judgments which affect the rights of members, as such; not those which affect the rights of meetings in a meeting capacity. One very remarkable feature of this discipline must strike every one, which is that it makes no provision for appeal in cases of *members* who are not testified against or disowned. The decision of the original or primary jurisdiction in cases where a member is put under dealings if in his favour, is final and conclusive.

The reason of this is obvious. The society of Friends has always refused to receive acts of incorporation. It has always refused to receive the obligations imposed by law, as its rule and government. For this plain reason, acts of incorporation would take out of the hands of the members, the right to decide in regard to their fellow members. The principle of the discipline is, that the right to decide in respect to membership is referred, in the first instance, to the inferior or primary meeting to which the member belongs, thus adopting the great common law and social principle of the trial by the vicinage. The law of the land considers it as the palladium of civil rights; and the discipline has placed the rights of its members under its guardianship and protection. The blow aimed at a fellow-member must be first struck in the preparative or monthly meeting to which he belonged. This seems to be one important fact to be noted in the institutions of this peculiar people; and proves that th

society has based all their rights upon the pure principles of democracy.

In cases of appeal, the decision was by no particular order of men, but by the great body of the society. I have said that the yearly meeting was not composed of representatives. It was the society itself, or rather its members, in their original capacity as members. The representatives of the quarterly meetings had no delegation of power; they were appointed to perform a service merely, to carry up reports from the quarters to the yearly meeting. There their authority under the discipline, ceased. Usage conferred on them the authority to nominate clerks, but it was an usage in analogy to the mode of appointing clerks in the subordinate meetings. The policy of the society seems to be, not to delegate powers, but to retain them under the control of the whole body acting in a meeting capacity.

The meeting for sufferings is the only representative body of the society; but its powers are circumscribed with clearness, and dealt out with a sparing hand and guarded caution. The principle of law, too, is that such powers are to be construed strictly, and therefore accords with the manifest intent of the society, in delegating a portion of their authority to them.

"In order that this yearly meeting with its several branches, might be properly represented in the intervals thereof, on emergent occasions, a meeting was instituted, anno 1756, by the name of the 'Meeting for Sufferings;' which it was agreed should consist of twelve Friends appointed by the yearly meeting, (living in or near Philadelphia, for the convenience of getting soon together,) and also of four Friends chosen out of each of the quarterly meetings; who were directed to meet together in Philadelphia forthwith, for the regulation of its future meetings, which are subject to the following rules:

"*First.* The said meeting shall keep fair minutes of all its proceedings, and annually lay them before the yearly meeting.

"*Second.* No less number than twelve of the members attending shall constitute a meeting capable of transacting any business.

"*Third.* On all occasions of uncommon importance, previous notice thereof shall be given or sent to all the members.

"*Fourth.* In case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their declining or neglecting their attendance for the space of twelve months, the meeting for sufferings (if it be thought expedient) may choose others in his or their stead, to serve to the time of the next yearly meeting, or till the places of those who have represented the quarterly meetings, shall be supplied by new appointments.

"*Fifth.* The said meeting may sit on its own adjournments, and order these, as well as the times of its stated meetings, (if these do not exceed three months,) according to the business before them.

"*Sixth.* The said meeting is not to meddle with any matter of faith or discipline, which has not been determined by the yearly meeting.

"The further services confided to the said meeting for sufferings, are:

"*First.* In general to represent this yearly meeting, and to appear on its behalf in any cases where the interest or reputation of our religious society may render it needful.

"*Second.* To take the oversight and inspection of all writings proposed to be printed, relative to our religious principles or testimonies; and to promote or suppress the same at their discretion; also to print and distribute any writings already published by the society, or which may be offered for inspection as aforesaid, and approved.

"*Third.* To inspect and explain titles to land, or other estate, belonging to any of our meetings; also charitable legacies and donations; and to give such advice respecting the same as may appear to be necessary.

"*Fourth.* To receive from the several quarterly meetings their annual accounts of sufferings, and also such memorials concerning deceased Friends as those meetings may have concurred with: that when examined and approved, they may be laid before the yearly meeting.

"*Fifth.* To extend such advice and assistance to any individuals under sufferings for our testimonies, as their cases may require; and, if necessary, to apply to the government, or persons in authority, on their behalf.

"*Sixth.* To correspond with the meeting for sufferings in London or elsewhere, on the common concerns of the society.

"On solid consideration it is agreed, that though none are properly members of the meeting for sufferings, but such who are appointed by this yearly meeting, or by the several quarterly meetings; yet, that approved ministers, and members of any other meeting for sufferings corresponding with this, be permitted to attend when they be inclined so to do.

"Accounts of sufferings to be forwarded to the meeting for sufferings, are to be preserved and recorded agreeably to the practice of our ancient Friends, reciting the sums demanded, the kind and amount of property taken, by whom the distrains were made, and the authority under which the officers acted."—Discipline, p. 54-7.

They have also another distinct meeting, a meeting of ministers and elders, spoken of on page 62 of the Discipline, which is clothed with specific powers, but they are either of a spiritual or advisory character; and they are prohibited from *interfering* in *anywise* with the *business of any meeting for discipline*. A wise and prudent provision to guard against the mingling of civil and spiritual matters, which leads to the union of church and state.

From this review of the discipline of the society, the court will find the groundwork and its whole constitution, resting on the great democratic republican principles, the conservative principles of our civil institutions, that all are equal on the floors of their meetings, and that all have the same rights: no order having any special privi-

leges or pre-eminence. There is no provision giving particular men greater power than others. Everything must be submitted to the members of the society, sitting, not in a delegated or a representative capacity, but in their own rights, and possessed of the whole power of the society. Except so far as is necessary for preparing proceedings, all their meetings are composed of the whole body. For the purpose of carrying up proceedings, the monthly meetings send representatives to the quarterly meetings, and the quarterly meetings to the yearly meeting. They are the mere medium of communication between the inferior and superior meeting; but the whole power of the meeting is reserved to, and to be exercised by the members who attend the meeting.

With this view of the discipline as to the powers and subordination of meetings, I now approach the investigation of the causes which led to the present controversy in the society. This I shall contend, and endeavour to show, grew out of disputes about the discipline, and not the doctrines of the society. It was a struggle by the many against the few: the few attempting to gather the whole power of the society to themselves, and the many resisting their efforts. Such has heretofore been the unhappy causes of dissension in the Christian churches. A remark of William Penn on this subject, is entitled to great attention, as evincing a profound knowledge of history and of human nature. In first volume, page 757, of his works, he says: "If we consider the matter well, I fear it will be found that the occasion of the disturbances in the church of Christ, has in all ages been found to be on the side of those who had the greatest sway in it." The evidence in this case will afford another fact to support the correctness of his remark.

These disputes may be traced back to the year 1819. It first arose out of the attempt of the ministers and elders in Philadelphia, to arrogate power to themselves. In pages 39 and 40 of second volume of Evidence, Haliday Jackson says; "As we are now about the period of the opposition made to Elias Hicks, among the instances referred to in the question, it may be proper to state, that in the year 1819, Elias Hicks, on his return, I think, from a visit to the Ohio yearly meeting, was at our meeting at Darby; I think a monthly meeting, if my recollection serves. The next day he came to Philadelphia, and attended the monthly meeting at Pine street. Myself and several other Friends from Darby were there. Elias was much engaged in the public meeting previous to entering upon the business of the monthly meeting, in the exercise of his gift in the ministry. I cannot undertake, at this remote period, to recite much of his testimony, but I think he was lead to speak pretty close doctrine to some who might have stood as rulers or leaders among the people: and if I remember right, he drew some comparisons, that they were going round and round, as it were, like the children of Israel, and not advancing forward; and called on the young people in a very affectionate manner, not to rest in the traditions of the fathers, or something that implied that, but to

go forward and to advance the work of reformation. In the meeting for discipline, or perhaps in both that and the foregoing meeting, he was led to speak on a subject that was very near and dear to his heart—that of the oppressed Africans. He had long borne a faithful testimony against the use of the produce of slave labour; and he spoke pretty closely on that subject, and seemed, I think, to point out, or imply, that there were some who had not stood faithful in the maintenance of this testimony, which they had at some former period supported; and that they were rather taking a retrograde course. After he had relieved his mind, apparently, among the men, or in the men's side of the house, he expressed a concern that he felt to visit the women Friends in their apartment. I think the first that spoke to it was Jonathan Evans, if I recollect right. He expressed some disapprobation of it; I do not remember his words. But there were a large number of other Friends that expressed their full unity with his being left at liberty. Isaac Lloyd among the rest, who was an elder of that meeting, and Isaac was named to accompany him into the women's apartment. They had not been long in the women's apartment, I think, when a proposition was made by Jonathan Evans to adjourn the meeting, although the business of the meeting was not gone through with; neither was it late in the day, nor more than usual dinner time. Jonathan alleged that they were not qualified, he thought, to proceed on with the business, and said that it had been a very trying or painful meeting to him, or something to that amount. There were several Friends, I think, a number, that expressed their disapprobation of adjourning the meeting, while Elias was engaged in the women's end, as an unprecedented circumstance. There were among these, I remember, William Wharton, who pretty strongly objected to it. John Hunt, of Darby, was also there, and expressed his disapprobation of it, as a thing unusual; and there were a considerable number of others that I don't now so recollect as to name them; there were, however, a few individuals that coincided with Jonathan's proposition, among whom, I think, were one or two of his sons, and a few others, and Jonathan himself seemed to urge the measure further, and finally they adjourned the meeting. Several of us remained at the door, after that the meeting was adjourned. I expressed my surprise at the time, and regret, to several individuals, that such a circumstance had happened, as it would inevitably be considered as an act of open hostility, or opposition to Elias Hicks.

“Elias was a considerable time in the women's meeting, engaged in his gospel labours amongst them, after this adjournment took place, as we could hear his voice in the yard, outside of the house. When he came from the women's apartment, he said he was very much surprised at the circumstance, but he picked up his great coat, and observed, ‘it was very kind they had left his coat for him.’ Isaac Lloyd also seemed very much tried, and hurt, with the conduct of the meeting, in so adjourning. Several of us dined with Elias that day, I think at Samuel R. Fisher's; and Elias seemed to be a good

deal hurt with the conduct of the meeting; and asked the company that were present, if that was the way they served strangers when they came to visit them? This circumstance created a great excitement among Friends generally, who came to the knowledge of it, as it was considered a very unusual and unprecedented thing in the monthly meeting, and a mark of great disrespect and public hostility to that eminent and dignified minister of the gospel of Christ, who, in his former visits, as well as at that time, had been universally approved and admired, wherever he had travelled in this part of the country; as was fully evinced by the unusually large congregations that assembled at his meetings."

It will be recollected that, at this time, it had not been alleged that Elias Hicks had preached false doctrine. But he preached close doctrine, which he brought home to some individuals of high standing in the church, particularly to some who were not willing to forego the use of the products of slave labour.

This is also related, and some additional corroborating testimony given, in the testimony of Abraham Lower, page 354 of the first volume: "The most prominent cause of a public nature, I consider to be, the public opposition or disrespect manifested by the members of Pine street monthly meeting, by the agency and influence of Jonathan Evans, in breaking up the men's meeting, or closing it, whilst Elias Hicks was, with the consent and approbation of that monthly meeting, engaged in the women's department, in the prosecution of his religious concern. It gave much concern, uneasiness, and dissatisfaction to a large part of the society, who became acquainted with the circumstances, as far as my knowledge extends.

"Q. Was it an unusual circumstance?

"A. Quite unusual; and understood to be a mark of disrespect.

"Q. Was it so understood by prominent individuals, afterwards opposed to him?

"A. I am satisfied it was. Because in a conversation I had with Samuel Bettle, he told me, that he had had an opportunity with Jonathan Evans, in which he communicated to him, the great dissatisfaction on account of it; that so great was the dissatisfaction, he said, that his son, (Jonathan's son, understood to be William Evans,) was treated with disrespect, in consequence of Jonathan Evans' conduct on that occasion, when he was abroad. I understood at the Ohio yearly meeting. That I won't be certain of, but such was my apprehension."

In page 409, speaking of the same occurrence, Abraham Lower says: "I say again, I was not there. I think it probable that they had closed their business, and notwithstanding, it was deemed exceedingly indecorous and disrespectful to the individual, to be thus treated: and so Samuel Bettle must have considered it, when he told me of his having remonstrated with Jonathan Evans on account of his conduct on that occasion; and that his son, Jonathan Evans' son, was treated with disrespect on account of his, Jonathan's, conduct on

that occasion. There was an apprehension, and has been, and now is, in the minds of a number of persons, that Jonathan Evans was exceedingly chagrined at, or on account of, the services or ministry of Elias Hicks on that occasion. That as Elias Hicks was, and remained to be, to the close of his useful life, one of the most powerful advocates for the rights of humanity in vindicating the cause of the poor, deeply afflicted, and suffering children of Africa and their descendants, especially in this country; I understood he was so engaged at that meeting. He came over the circumstance, if I have been rightly informed, of some of the advocates among the elder rank, having failed to maintain or to continue in the maintenance of a testimony against the use of the produce of the labour of slaves; and which he, I apprehend, as he was accustomed to do, went on to show that the consumer of such produce was as bad as the slave-holder; that as Jonathan Evans had borne a faithful testimony against the use of such produce in common with his, then, or just previously friend and coadjutor in that righteous cause, and had then abandoned that testimony which he had borne, as he, Jonathan Evans, had told me himself, for twenty-two years; finding, what must have been exceedingly mortifying to a man of his great pretensions to distinction, to find by the clear and cogent reasoning and illustrations of Elias Hicks, that *there was a man who stood above him! A greater man than himself!*—And this too, if what I have heard one of his children should say, drawing a comparison between him, Jonathan, and Elias Hicks, ‘does thee think that Elias Hicks is a greater man than my father?’—But under the circumstances, I have every reason to be satisfied in my own mind, that hence arose an envious disposition, and which led his fertile genius to make use of such agents in promoting those feelings under plausible pretences, to decry, and by any means of that nature, the reputation and dignified standing of that servant of God, and most excellent minister of the gospel of Christ. But then, as it would ruin any man’s cause in such circumstances to come out openly, so I think he would of course have too much sagacity to do so, and thus render himself vulnerable and odious in the sight of honest men.”

In Cockburn’s Review, a work which is mentioned in the exhibit, in page 59, a statement is given of the same event: “As far as appears, the first public manifestation of disorder connected with the present difficulties, occurred in a monthly meeting held at Pine street, where Elias Hicks was in attendance, in the tenth month, 1819. After having relieved his mind in the men’s, he asked and obtained liberty to visit the women’s meeting. In his absence, the men’s meeting adjourned, although their business was not completed. This was an uncommon occurrence, and excited considerable sensation among many members of that meeting. It appears to have been done by a few influential individuals as a mark of disrespect to Elias Hicks; or rather, it exhibited evidence of their resenting the application of his testimony respecting the produce of slave-labour. Speaking on this

subject, Elias had said ‘there were some who had gone retrograde, some who, in obedience to the clear openings of the light of truth, felt bound to deny themselves in that particular, had, by giving way to the deceivableness of unrighteousness, fallen from the tenderness of feeling once witnessed, so far as again to use without restraint articles produced by the labour of slaves.’ An influential individual of that meeting, who for twenty years had abstained from the use of the produce of slave-labour, had lately discovered that this part of self-denial had been taken up in his own will, and now felt so irritable on the subject, as to take great offence at Elias Hicks’ faithful testimony. Hence a prejudice against Elias was excited in the mind of this individual, that became the spring of this, and many other unseemly actions.

“Although adjourning the meeting in the absence of a travelling minister, may seem a trivial circumstance, it is believed to have been unprecedented amongst Friends. It exhibited a marked disrespect to a stranger engaged with general acceptance in the work of the ministry—it was unkind in itself, and set an example of insubordination to the accustomed relations of society. At this period, it is not understood that there were direct charges made of unsoundness against Elias Hicks. There were murmurs raised and whispered against the close character of his testimonies, which were supposed to bear hard on particular classes. It was alleged that his practical instruction was too severe; that he was too much in advance of the age; and that society was not prepared for the acceptation of his views.

“These murmurs and whispers appear to have been encouraged and cherished, by those individuals who felt themselves rather lessened by the light of his testimonies respecting the product of slave-labour, and unwisely lessened themselves yet more in the eyes of their brethren, by an injudicious act of public disrespect, inconsistent with Christian kindness and comity.”

This is the first distinct act to which I refer the court, namely, the public disrespect shown to a regular minister of the society, travelling in pursuance of the discipline of the society.

On page 37 of vol. 2, the court will find an account of another act which took place about the same time. “It is a good many years ago; I cannot fix the date, but I remember to have heard that Daniel Haverlin, from the state of New York, coming under a prospect of a religious concern, to visit the families, I think, of Pine street monthly meeting; perhaps two or three; twice, if not at three different times, I am not certain as to that, his prospect was set aside, and he was not permitted to proceed in his visit; after opening his prospect, I suppose, to the monthly meeting, some of the leading members of the monthly meeting were opposed to it: and I believe he never accomplished the visit. He had at different times, I think, been in Philadelphia, and one of the last times that he was through this part of the country, that I remember, he was at our meeting at Darby; I cannot remember the year. I was in company with him in the afternoon,

and I think he expressed that he felt very much tried to pass through Philadelphia, and would be willing to get around it, if he could. Whether he did come through the city or not, I cannot say. Samuel Livzey also came to Philadelphia, at several different times, under a prospect of visiting the families of Arch street, (or Mulberry street) monthly meeting; the monthly meeting of Philadelphia it is called. His prospect was also put by, or rejected, as I have understood from common report, and from himself. There were also some women Friends that I have heard of, who came under similar prospects, and were also rejected, whose names I do not remember. Perhaps it was one woman Friend and companion, I am not certain that there were more than one woman Friend that was a minister. These circumstances have induced me to believe, that there was a disposition growing up in some of the leading members of the society in Philadelphia, and who had very much the control of the business of the monthly meetings, who were assuming a standing, or arrogating themselves the right to judge of the concerns of other monthly meetings. For I think, so far as my knowledge has extended within the monthly meetings that I have been a member of, when any Friend ministering Friend, came to visit us, in gospel love, either in a ministering capacity, or in visiting families, the meetings have never undertaken to control their prospects.

“[The question is again read to the witness at his request, when he further answers.] Well, there are other instances: there was a Thomas Grisell, from the state of Ohio, a very worthy, innocent Friend, not largely gifted in the ministry: he came to Philadelphia, and I think, attended Pine street meeting. I understood he was led to speak in that meeting, a good deal on the subject of love and unity. He was afterwards, as I understood, and I think he informed himself, as he went through our parts on his return, severely reprimanded by Jonathan Evans. I cannot give the particulars, but I think the substance was, that Jonathan informed him that it was not a time to preach that kind of doctrine, or something to that import. Being a diffident, humble-minded man, it had such an effect to discourage him, that I think he made the best of his way home pretty soon after, without performing all he had in prospect. I was very acquainted with the man: I had travelled a good deal with him at a number of meetings in this state, (New Jersey,) and also in Pennsylvania; and I was very sensible, that from his diffident and backward disposition, he much more required the sympathy and encouragement of elders, than to be discouraged, and treated in the manner he was, by Jonathan Evans.

“There was—the next instance that occurs to my mind (although perhaps previous to the circumstance last related,) was the circumstance of Priscilla Hunt, a worthy ministering Friend, who came from the state of Indiana, and who at that time was a widow: I think she arrived in this neighbourhood about the latter end of the year 1822, or some time in that fall, I can't say as to the month: the

meeting she attended in the city was Pine street meeting. After the close of her testimony, as common report says, I was not at the meeting, but I believe it has never been contradicted, William Evans made some public opposition to some part of her testimony. In the course of her visit at that time, there was some other marks of hostility shown towards her. After spending some weeks in the neighbourhood of Philadelphia, and in the meetings adjacent, and the quarterly meetings, she went to the northward, (having first attended the yearly meeting in the spring of 1823,) through the state of New York into Upper Canada; afterwards into New England; and after visiting, I think, all the meetings belonging to the yearly meetings of New York and New England, in the summer following she returned again to Philadelphia. She then had a desire to have a meeting at each of the meeting houses of Friends, principally with the members of their own particular meetings, and such others as attended Friends' meetings. Application was made to the elders (perhaps) at each place, and overseers, to have such meetings appointed. At Pine street I understood there was considerable opposition made to the request by Jonathan Evans, and I think one or two of his sons, if I have been rightly informed: the meeting, however, was obtained without their consent. I think two of the elders of that meeting and a number of other Friends were strongly in favour of it. Meetings were also had at the other four meeting houses in the city; but that at Arch street was obtained much in the same way. I myself, with a companion of Priscilla Hunt, who was then travelling with her, applied to Caleb Pierce, one of the elders of that meeting, and made application to have such a meeting appointed. He informed us, that their general practice was, on such occasions, for the elders to have an interview with the Friend making such request, and to feel after their concern. We informed him that we saw no necessity for that: she was travelling in the order of society, with a certificate expressive of the unity and concurrence of her Friends at home; and all we wanted was for him to have the notice spread for the meeting, and enjoined it upon him to do so. He informed us that he should consult Friends on the subject, but gave us no assurance of the meeting being appointed. I understood they had a conference that evening on the subject; the elders, perhaps, and overseers, and perhaps some others of that meeting; considerable opposition was made to the appointment of the meeting, I think by himself, and perhaps by Thomas Stewardson, another elder of that meeting. They were, however, overpowered by numbers who were in favour of it, and the meeting was appointed. At the other meetings there was but little opposition made: none at Green street, nor at Twelfth street, I think, as I recollect. There was some hesitation, and some delay, and a good deal of caution used at the North meeting before she was admitted. She accomplished her visit in these parts, I believe, to almost universal satisfaction, with a few exceptions in the city, and returned home; having, as she informed me herself, visited all the meetings that were

then established, (that is, while she was engaged on the visit,) meetings of Friends, I mean, on the continent of America; except, perhaps, three or four in the western part of Pennsylvania, which she expected to take in her way home, and I believe did so."

These proceedings were not only an interference in matters of discipline, but were contrary to the express discipline of the society, which says, in page 63: "As the occasion of our religious meetings is solemn, a care should ever be maintained, to guard against anything that would tend to disorder or confusion therein. When any think that they have aught against what is publicly delivered, they should speak to the party privately and orderly; and if any shall oppose a ministering Friend in his or her preaching or exhortation, or keep on the hat, or show any remarkable dislike to such when engaged in prayer, let them be speedily admonished, in such manner as may be requisite, unless the person against whom the uneasiness is expressed, has been disowned by a monthly meeting, or his or her public appearance disapproved by the elders."

The next incident is related in Cockburn's Review, page 62: "The next disorderly transaction that is recollected, occurred in the 8th mo. 1822, at a meeting for sufferings. A number of the members previously requested by some individuals, who in a private caucus appear to have resolved on the measure, remained in conference, when, according to the testimony of Abraham Lower, it was stated in substance by Jonathan Evans, 'that Elias Hicks had obtained from his monthly meeting a certificate to visit Friends in this city, and as it was well known that he held doctrines that are not the doctrines of Friends, some steps ought to be taken to prevent him from disseminating them among us.' This vague allegation appears by the letter of the ten elders to Elias Hicks, dated 12th mo. 19th, 1822, to have been predicated on the representation of Joseph Whittall, arising from his misconstruction of some expressions of Elias Hicks, at New York yearly meeting, in the 5th mo. preceding. 'Detached sentences may be taken from any writer or speaker, and by the help of constructions be made to convey an idea altogether different from that intended by the writer or speaker. If we would understand his sentiments we must take into view his whole design.' Upon this *ex parte* evidence, these *selected* members of the meeting for sufferings agreed to act as if Elias Hicks was unsound, and appointed a committee to take an early opportunity with him on his arrival in the city, and it was advised "not to dispute with him, for he was full of words, but in a prompt way put a stop to his travelling in the ministry." His influence in New York yearly meeting was said to be so great that Friends there could do nothing with him, and that Friends in Philadelphia could only stop him."

Here it will be found that Jonathan Evans resorted to the meeting for sufferings, and endeavoured to enlist them in his views, to break down the discipline of the society, by usurping an authority, not granted to them.

This fact is also proved by Abraham Lower in his testimony, which now before the court, page 355, 1st vol. of Evidence: "I was out to enter the meeting house at the time appointed for our conning, when Samuel Bettle, who stood at the door, or just outside, sired me in a low tone of voice so that I could understand it, to top at the rise of that meeting.' I left him there and passed in as usual. At the close of that meeting, a number, I suppose ten or twelve of us, were convened,—after sitting a little while, quiet, Jonathan Evans rose, as I understood, and stated the object of the meeting pretty much in these words, to the best of my recollection: 'It understood that Elias Hicks is coming on here, on his way to Baltimore yearly meeting. Friends know that he preaches doctrines contrary to the doctrines of our society; that he has given uneasiness to his friends at home, and they can't stop him; and unless we can stop him here, he must go on.' Joseph Whitall remarked, in corroboration of that assertion of the unity of his friends at home; of their difficulty of stopping him, I should say; that his own monthly meeting and quarterly meeting, and two-thirds of the yearly meeting were with him. Jonathan Evans called upon Joseph Whitall to state what he had heard him say; Joseph did not promptly state, but expressed his unwillingness to relate what passed between them in private; but said he was willing to state what he heard him say, or reach, in public. Some remarks were made by him, designating the character of what he had heard Elias say, which, if true, all who heard them would say he was no Christian. I myself said so; if what he charged him with was true, he was no Christian. He went on further, and stated some position or doctrine which, he said, Elias held; I remarked that I had always thought that that was the doctrine of the society of Friends; and made a quotation, which I attempted as one of the apostles' sayings in confirmation of the truth of the doctrine, which was clear to my mind, and which went to show, that what Joseph Whitall charged him with, was not false doctrine. John Cox was present, checked me, as I understood, by saying, come, come, or using such manner as would be expected from him towards a junior member as I was. Jonathan Evans stated, that he understood Elias Hicks had ordered a book or books in New York, to be sent to the westward; and which he considered as evidence of his unsoundness. I recited in defence of the good old man what I had heard, touching that matter; that a young man had been in the store, and was informed, that the books were ordered by him at the request of a correspondent, or his correspondent; and as was understood, any bookseller applied to for them would have complied with the order; and therefore, no imputation or blame on the character of Elias Hicks. Doctor Samuel Powell Griffiths, who was present, stated, that he had never heard Elias Hicks preach false doctrine. It was suggested, that a committee be appointed to take an opportunity with Elias Hicks, on his way in the prosecution of his visit—that proposition obtained. I myself named Samuel Powell

Griffitts, whose character then stood fair, and having made that declaration, that he had never heard him preach false doctrine, I thought myself justified in naming him as the best that could be done in such a case. Thomas Wistar was named as one of the committee. I think he hesitated about serving on the appointment; I urged him to submit to it, I think, because I had confidence in him as an honest Friend, concerned for the welfare of society; being my coadjutor in the yearly meeting, in opposing a convention of delegates from the different yearly meetings; the weight of that opposition was sustained, as to the public opposition of it, by him and myself mainly; and he made a noble opposition to a project, which we conceived would be a dangerous institution in society, as well as in other matters; we frequently harmonized in our views of matters, that were frequently subjects of consideration in the meetings that we were members of. After the meeting closed, I sought an opportunity, and obtained it, to enjoin Thomas Wistar, or entreat him, to do the old man justice, and cautioned him against the hostility and opposition manifested by Jonathan Evans."

I will now recur to the discipline to satisfy the court, that the conduct of the meeting for sufferings, was in violation of the rights of all the members of the society—that it was striking at their fundamental bond of union. Elias Hicks was travelling among Friends, with the certificate of his own monthly meeting, and the concurrence and endorsement of his quarterly meeting, in the due order of the society.—Discipline 131.

In page 55 of the Discipline, it is said: "That the said meeting (for sufferings) is not to meddle with any matters of faith, or discipline, which had not been determined by the yearly meeting."

In page 65: "The meeting of ministers and elders are not in any wise to interfere with the business of any meeting for discipline." In page 68: "And if any acknowledged member of our meetings of ministers and elders shall at any time be thought, by negligence, unfaithfulness, or otherwise, to have lost his or her service in that station, so as to become the subject of uneasiness and burthensome, (yet not so as to be under the care of a meeting of discipline on that account, or for misconduct,) it is advised that a timely and tender care be extended to such persons according to gospel order; first by the individuals concerned, and then by the preparative meeting of ministers and elders to which he or she may belong; should those labours prove unavailing, report of the case should be made by that meeting to the quarterly meeting of ministers and elders, and there a few Friends be deputed to assist the said preparative meeting in a further extension of labour with the party: If this also prove unavailing, and on report thereof to the said quarterly meeting, it appears that the said preparative meeting has fully discharged its duty to the individual, the case should then be transmitted to the monthly meeting for discipline of which the party is a member, and left under its care; and he or she ought from that time to refrain from attending

ny such select meetings until they shall be again recommended or appointed as at first."

It is in evidence, that the discipline is the same in the yearly meeting of New York as in the yearly meeting of Philadelphia; and Elias Hicks travelling with the certificates of his own monthly and quarterly meetings, was not accountable for any opinions he had expressed in or out of the bounds of his own meeting, to any but the preparative meeting of ministers and elders to which he belonged.

Under these circumstances, a body, the members of which were sitting in a representative capacity,—a body which had no original authority, undertook to act as has been described. For them to interfere, was a direct breach of discipline, and an alarming usurpation. They seemed themselves to be convinced of this, for although the unauthorised proceedings originated in the meeting for sufferings, they soon transferred it to the meeting of ministers and elders, which was composed almost entirely of the same persons. But they were equally unfortunate in this; for the same prohibition exists, and ought to have disarmed them of their purposes. All this was planned at Samuel Bettles's, 1st vol. of Evidence, page 357. A few choice spirits had there previously assembled.

Elias Hicks, it appears, did not choose to submit to this; and in consequence a correspondence ensued between him and the confederates of Jonathan Evans, who were members as well of the meeting for sufferings, as of the meeting of ministers and elders. You will find by this correspondence, for it is all spread in the appendix to the volumes of Evidence, pages 479, 493, 480, that he refused to submit. I refer to this correspondence to show, that there was a systematic effort on the part of this self-created inquisition, to break down the discipline, to pervert their stations to their own purposes, and to interfere with a regular minister of the society, against the discipline.

The next fact is related in Cockburn, pages 64—5—6—7.

Here I will refer to the letter of Elias Hicks, in page 492 of vol. 2d. It is dated 21st of Twelfth-month, 1822. I shall read so much of it only as refers to the case of Ezra Comfort. He denies the charges made against him by Ezra Comfort, and that the said Ezra Comfort acted disorderly, and against the discipline, in not mentioning his uneasiness to him.

To this is annexed, page 493, the certificate of J. Rowland and others, refuting the assertion of Ezra Comfort. This certificate, together with that of 23 members of the southern quarterly meeting, (Cockburn 78, 79,) completely disprove the certificates of Comfort and Bell.

I repeat it. Here was a breach of the express letter of the discipline, in the effort to arrest a travelling minister, who was travelling in the order of the society. I submit to the court that these facts, occurring as they did, and persisted in with a perseverance worthier a better cause, were calculated to awaken attention and excite alarm,

in a society jealous of their rights. It was an usurpation which called for resistance. It was an attempt, by an order in the society, to clothe themselves with a power prohibited to them, and thus to trample under foot the most essential conservative principle of their institutions.

They took upon themselves to call a minister to account for what had occurred in New York, or in the southern quarter, not within the limits of the meetings to which they belonged—thus arrogating a power which, if submitted to, would enable them to rule the whole society. It was not only dangerous but unjust. How could Elias Hicks defend himself under such circumstances. The whole conduct of this self-created tribunal, was a violation of the *magna charta* of Friends, which makes each Friend responsible to his own meeting; thus shielding him from wanton or vexatious accusation, and the decision of strangers. This was the beginning of usurpation, the natural consequences followed.

This plan of breaking down the discipline of the society and arrogating all the authority of the meetings, to the *Orthodox few*, originated in August, 1822, in connexion with a select few in New York. Its ramifications were extensive, and they had until December, 1822, to mature their plans, and bring their courage up to the sticking point. Up to this time, there is no evidence that Elias Hicks had ever preached unsound doctrines. Many who admired his character and loved his virtues, were to be brought over and induced to enter into this conspiracy. Samuel Bettie, in the fall of 1820, in the presence of William Newbold, expressed to Halliday Jackson his full unity or satisfaction with Elias Hicks at that time. 2d vol. of Evidence, 444.

William Jackson, even in the close of 1823, expressed his great surprise at the proceedings against Elias Hicks, and his unity with him. *Ib.* 44, 45. And yet Samuel Bettie and William Jackson were afterwards arrayed as his accusers, though they had no new opportunities of conversing with him, or hearing him preach, till after the proceedings were begun.

In Cockburn's Review, page 66, an account is given of an interview of a committee with Elias Hicks, in Green street meeting.

It is stated in the testimony of Abraham Lower, 1st vol. pages 424, 359, 360, that this committee left Elias Hicks, when he refused to go into a private interview with the combination of elders, and said they would take the charges against him for granted, although he declared that they were false. Such is the injustice of combinations and usurpation. They at once adopted the maxims of the inquisition. Baffled by the firmness and mildness of Elias Hicks, and the independence and intelligence of the society, in their open efforts to grasp the power of the society to themselves, they immediately prepared to accomplish covertly, what they could not effect openly. If a creed could be palmed upon the society, little difficulty would exist in breaking down any sturdy and refractory member of the society.

The coincidence of dates evinces that these were parts of the same combined system of operations. On the 19th of December, 1822, the elders address their first letter to Elias Hicks (2d vol. Ev. 479). On the 20th Dec. 1822, the meeting for sufferings (2d vol. Ev. 476), appoint a committee, in consequence of the discussion in the public papers between Paul and Amicus. On the 4th of January, 1823, (2d vol. 480,) the combination of elders send their valedictory letter to Elias Hicks. On the 17th of January, 1823, the committee of the meeting for sufferings make their report, containing the extracts. These extracts were smuggled on the minutes so secretly, that Jonathan Evans was not willing to trust even Samuel Bettle. (2d vol. Ev. 102.) He even was kept in ignorance of the whole plan.

This was a manœuvre of the meeting for sufferings, to introduce a creed. They had no authority to interfere in this subject. Nothing in the book of discipline gave them the power, and the yearly meeting had never determined anything, on any matter of faith, involved in those extracts. To give effect to their proceedings, and to get the sanction of the yearly meeting, they contrived to introduce the extracts on the minutes. Their object was, as stated, to disavow the connexion of the society with Amicus, in his controversy with Paul, or that he wrote by the authority or countenance of the society. When the extracts were before the yearly meeting in 1823, they were rejected—they were not sanctioned by it.

It was all part of the same combined plan of proceedings, springing from the close preaching of Elias Hicks in 1819, which came home to *certain members* of the Pine street meeting, and the design to get more power, to enable the elders to interfere with the progress of a minister travelling in the order of society.

This measure was defeated. Here the court see the agents and the plan—they were the same. But this discussion about the creed demands our attention in another respect. Samuel Bettle testifies (in page 72, 1st vol. Ev.), that he watched closely the proceedings in the yearly meeting, on the subject of this creed, that he knew every man who objected to the extracts entered on the minutes of the meeting for sufferings, and that they have all gone with what he calls the Hicks-ites. They were, without doubt, the majority, because they succeeded even against the elders, supported and aided by the clerk. They refused to sanction the extracts by any act of the yearly meeting, and substantially rejected them by directing, that they should not be published, and at the same time, by adopting that part of the minute of the meeting for sufferings, which declares, that the profession and doctrines of the society are founded upon the principles of the Christian religion, as contained in the holy Scriptures, to be seen in a number of their writings already extant. The admission of one is the exclusion of the other. Cockburn's Review, page 87 to 90, gives a very clear account of the objects of this effort.

Cockburn says, in page 85, "From this period may be dated the regular organization of a party to decry Elias Hicks, and proclaim

unsoundness. Active exertions were made to draw the innocent and unwary into the snares of this party. Private meetings were called by the elders, where the measures pursued against Elias Hicks, and the papers of charges against him, were gravely exhibited; and in some instances they were carried from house to house, all for the express purpose of criminating him and justifying themselves: thus endeavouring to cover one error in conduct by committing another. The progress of this state of things became painfully trying and exercising to many Friends, who earnestly discouraged the promotion of party feeling, and were disposed to pass by the occurrence if the elders would let the matter rest. Unhappily for them, and the peace of society, the prime movers and active agents of these party measures, persevered with unremitting zeal, not only in their own justification, but in censuring, and treating with indifference and disrespect, those who could not countenance a system of studied slander, and consequent proscription and division in the society. An advancement in party measures produced its native fruit, great bitterness of spirit, destroying Christian love and social enjoyment, and laying waste the unity and harmony of religious society. Designing individuals, aspiring to become the chiefs of their party, or determined to support the dignity of their sires, were assiduously employed in writing and spreading anonymous publications, the cunning sophistry and subtle declamation of which tended to mislead the minds of the unwary, to foment discord, and fan into a flame the unmeaning war of conflicting prejudices, connected with nonessential opinions. These writers seemed ambitious to engraft on the themes of their controversy a new phraseology, and individuals in their public communications entwined certain mysterious views and expressions, "which dazzled but to blind." In many instances the ministry was prostituted to the exhibition of party views, and the most virulent declamation was indulged in against all who could not for conscience sake depart from the simplicity of the truth, or mingle with those self-willed views intended to please a certain description of men."

Although baffled, this combination of elders persevered. They organized a party (Cockburn 91). They assumed to themselves to be the meetings (Ib. page 92). They excluded Friends from all offices of trust, and services in stations which have been supposed to confer honour (Ib. 93).

Thus, they moved on steadily in their plan. In the meanwhile, they had monopolized the most of the offices or services in the society.

In the close of the year 1824, (2 vol. Ev. 42.) Elias Hicks paid another visit to Philadelphia. This was followed in January, 1825, by a charge of unsoundness introduced in the western preparative meeting of ministers and elders in Philadelphia, with a view to obtain the sanction of that meeting to introduce it into the monthly meeting (Cockburn, 93, 94). This was, on deliberate consideration, *rejected, and again brought forward.*

The history of this proceeding shows the daring infractions of the discipline, which they were willing to attempt, to accomplish a favourite object, and was enough to excite alarm. Although defeated in the first effort, they returned to the charge. The meeting of ministers had rejected it, but it was brought before the monthly meeting: a committee was appointed, and a report made. This report was improperly entered on the minutes of that meeting: but it was rejected. Still indefatigable, they attempted to have a copy of that report addressed to the Jericho monthly meeting, to which Elias Hicks belonged. That also was defeated (Cockburn, 95). Thus the discipline was violated, the rights of members prostrated, and the peace of the society laid waste, not only in the original acts, but in all the proceedings connected with it. Again, in that western meeting, on 10th January, 1825, Elias Hicks was publicly opposed, Cockburn, 98-9. On the 13th January, this was followed by a report, denouncing Elias Hicks and his doctrines, as tending greatly to the subversion of sound religious principles, and the wholesome restraints of moral and domestic discipline (Ib. page 99 to 102). Their report was entered on the minutes with a view of being sent to the Jericho monthly meeting, to cast a firebrand among them which might consume Elias Hicks. These proceedings were forced on, notwithstanding the opposition of a large body of the society, and in direct infraction of the discipline, which requires unity to validate any of their proceedings.

But there was another act of still greater daring, and still more indefensible on the part of the elders, that will require your attention. It is detailed in Cockburn, 109 to 114. It was, in short, this:—and shows, not only their bitter hostility to Elias Hicks, and all those who were supposed to be friendly to him, but also their reckless disregard of the discipline, and of the rights of members and of meetings. In December, 1822, after Elias Hicks had paid a visit to the families of Green street monthly meeting, they endorsed on his certificate, a minute of their unity, and satisfaction with his services on that visit. While this was doing, some alteration being proposed, Leonard Snowden, an elder of that meeting, said he thought it would do. Afterwards, however, and when the association of the city elders would neither brook neutrality, nor tolerate opposition, he was induced in an evil hour to join with others in writing and signing a paper, impeaching the gospel ministry of Elias Hicks in those very services. He was taken under dealings, by his own meeting, for this act of disunity. Immediately the shield of the elders interposed for his protection. The preparative meeting of ministers and elders invoke the aid of the quarterly meeting of ministers and elders, in a case of difficulty (2 vol. Ev. 480). They immediately acted, and appointed a committee. The monthly meeting were not to be deterred, and Leonard Snowden, supported by this association of elders, refusing to make any satisfaction for his double dealing,

he was released from his service as elder, upon the ground of his disunity with his meeting. This act was in conformity to the discipline, which prescribes, (page 93,) that the elders should be in unity with the meeting to which they belong.

This produced great excitement, and an appeal to the quarterly meeting, and thence to the yearly meeting, and this was one of the cases which demanded a decision when the yearly meeting assembled in 1827.

Another evidence of the spirit of the Orthodox party, is to be found in the proceedings of the Burlington quarterly meeting. The representatives to the yearly meeting, though chosen *for* the monthly meetings, are chosen *by* the quarterly meeting. In consequence of a dispute at this time between the monthly meeting at Mount Holly, and the quarterly meeting at Burlington, no representative was chosen for the Mount Holly monthly meeting.

I will now call the attention of the court to the yearly meeting of 1827. When that yearly meeting assembled, it was, according to usage, organised by Samuel Bettie, the clerk of the preceding year. This is in conformity to the usage of legislative bodies. The morning of the first day was spent in organising the meeting, and in waiting till the clerk for the year should be nominated by the representatives who held a separate meeting for the purpose. In this meeting a division occurred. There was a large majority for nominating John Comly as clerk; a minority of the representatives were in favour of nominating Samuel Bettie as clerk. The proceedings of this meeting of representatives deserves your serious attention.

Who was Samuel Bettie? He was a member of the meeting for sufferings, and of the meeting of ministers and elders. He was an actor and party to all the proceedings which were to be brought before the yearly meeting, of an exciting nature. He was the former clerk, but the yearly meeting being organised, he ceased to be clerk, and was *functus officio*. It appears by the testimony of William Evans, that those who were in favour of nominating Samuel Bettie to the meeting, for clerk, attempted ingeniously to raise a preliminary question, whether Samuel Bettie should be removed; thus making a false issue, and shifting entirely the true question to be decided. Samuel Bettie was no longer clerk, and the meeting was without a clerk. The object of the minority was evident; if the question really to be determined by the representatives was, whether the old clerk should be removed? it must be decided by unity, and not majority. If it was, who should be appointed clerk? then the representatives acting as a committee, according to the uniform usage of the society, must be governed by a majority. I say that it is the uniform usage of the society, when a service is to be performed by a committee, for the committee to act by the majority. This must be so in the nature of things, and all the evidence in this cause, on both sides, proves that fact.

What ought the committee to have done in the case that occurred,

according to the settled usages of the society, and the general principles applicable to all committees, appointed to perform a particular service—Wait until they settled down in unity? No, but to have nominated the Friend who had a majority of the committee in his favour. This was not done, owing to the opposition of the Orthodox, who in this gave another evidence of their disposition, to borrow the language of one of the witnesses, “to rule or rend.” Instead of nominating a clerk to the meeting, which was the service that they were bound to perform, and nominating John Comly who united a majority of the votes, as they were bound to do, agreeably to the practice of the society, one of the Orthodox party, contrary to the sentiments of some of the representatives, in the afternoon of the first day, reported to the meeting, that they could not agree upon a clerk. It would seem as if this plan had been settled by the caucus of the Orthodox held the preceding evening, at the house of Samuel Bettle. For immediately upon this, William Jackson, an aged and venerable member of the society of Friends, who from his experience and standing was not likely to be questioned, declared that it was the custom of the society, in such cases, for the old clerk to continue, until a new clerk was brought forward and agreed to. 2d vol. Ev. 68. It is painful for me to be compelled to say to the court—and I would not do it, without the authority of that venerable man himself—that this was an error. That no such custom existed. That it could not, as no such case had ever before occurred in the society. 1st vol. Ev. 104. We have read of *pious frauds*, but never without mourning over the frailty of man, and the abhorrence of the influence of bigotry. It was, in the deep recesses of priest-craft, in the dark and benighted days of monkish domination, that the unchristian maxim, that “the end justifies the means,” found its disciples. Is it to be revived, and revived too in a society, who in all their meetings acknowledge the overshadowings of the great head of their church?

Samuel Bettle, adroitly availed himself of the impression made by the declaration of the venerable William Jackson. Listen to his modest recital of this matter: (1st vol. Ev. 68.) “This proposition was opposed, but several who were known to be attached to the disturbers of our peace, (I can’t term them seceders yet, for they had not yet separated, I use the term with no other view, but to designate them,) endeavoured to prevail on their friends, as they seemed to direct their discourse to them, to submit to the proposition; for it might not be of so much consequence as you apprehend, said one man who was well known to be a leading man in this schism. There being a little pause, I simply made a minute, desiring the old clerks to continue to serve the meeting. This minute, as soon as read, was opposed. I sat down, did not proceed with any business; let the discussion go on, and watched the event.” Thus by a most barefaced assertion of a custom which never existed, and by a bold hardihood, rarely witnessed in a religious society, Samuel Bettle recorded himself clerk.

He, it is true, seems to think, that all this was done in unity. In this he is contradicted by Abraham Lower and others, and by the facts detailed in the whole volume of Evidence, and by the institution of this suit. I will not do him injustice. He tells us what he means by unity. In 1st vol. Ev. 82, he says, "that in 1823, when the extracts were read in the yearly meeting, he took the impression that there was an unsettled state of mind, in regard to faith and doctrines, manifested by some of the members of that meeting; and that he saw it working until the separation; and that impression remained with him until that time." And in answer to the question, "Did you consider that such persons were entitled to equal weight and influence in your meetings, after you took that impression?" he says, "I never considered them entitled to any weight or influence at all." He cuts the Gordian knot at once. Here all difficulties were removed. Now I beg the court to remember, that these very persons were the majority of the society at that time and ever since, for they succeeded in rejecting those extracts. This then was the principle established by Bettle to arrive at unanimity; and Bettle himself now avows that from that time down to the separation, he had never considered the majority as entitled to any weight or influence. This is the mode in which the Orthodox arrive at unity. They expel all who differ with them, effectually, by this new scheme of their learned clerk. And you find that this was the Orthodox principle throughout. In the testimony of Samuel Parsons, p. 178, he seems to have adopted the same principle of arriving at unity, in the New York yearly meeting. I refer the court to it, and I conceive, that it furnishes a very clear avowal of that principle, although I am sorry to say, that a strong effort is made to evade a distinct answer. It was the only mode of conquering a majority. Hence Samuel Bettle drew the line of discrimination, and fixed his standard of weight and influence. But this question in the yearly meeting, in respect to the nomination of a clerk, was not a mere contest about men, it claims a higher consideration. It was a contest for principle, for their dearest and most established and essential rights. If the clerk assumed to himself the prerogative of disregarding the opinions and claims of the majority present at the meeting, he thereby became the dictator of the whole proceedings; he became the meeting itself. He was no longer the servant of the meeting, but its master and sovereign.

When the matter was represented at the yearly meeting at which Samuel Bettle recorded himself as clerk, it was not on the ground of unity among the attendant members. Abraham Lower, Halliday Jackson and others, tell you that there was no unity in this yearly meeting, except so far as regarded the proposition for John Comly to act as assistant clerk, and as to the raising of contributions for the succour of the distressed Africans. In everything else, you find, there was disunity.

This yearly meeting has been looked to as the superior tribunal of

the society to determine the questions which distracted the different quarters, and it seemed to be hoped, that it would settle down on the original principle of unity, or such as would produce a corresponding effect. It is clear, however, that previous to this meeting, although this was the hope of some, yet some of the Orthodox party were preparing the way for a final separation. *Thomas Wistar* declared at a previous meeting in Philadelphia, in 1826, that they could not unite with the *Hicksite* Friends here or hereafter; though he subsequently corrected his declaration, so far as it applied to the hereafter. He was a man, whom even Samuel Bettie would admit to be of great weight and influence in the society, and his opinions carry with them a proportionably important influence. *Halliday Jackson*, in 2d vol. p. 139, 140, says, that Samuel Bettie during the agitating scenes that were passing in the yearly meeting of 1827, declared to John Comly, "that he could not see anything better, than that there should be a separation." We also find in the book of Evidence, abundance of testimony to show that rumours were abroad, and scattered far and near, that such was the intention of the leaders of the Orthodox; and it is perfectly manifest that both parties looked forward to the yearly meeting to restore the unity of the society, or to bring the questions which disturbed its peace to a final decision.

What were the questions to be there presented? The first was on the subject of a proposition from Abington and Bucks quarters, in respect to reconsidering the discipline of the society, relative to the appointment of elders and members of the meeting for sufferings, so that said appointments be made for a limited time (*Ev.* vol. 2. 486-7). The discipline then existing, directed the appointment of twelve of the members of the meeting for sufferings by the yearly meeting, and four to be chosen by each quarter, (*Discipline*, p. 53,) and that each monthly meeting should choose two or more elders, (*Ib.* 61;) but did not prescribe the duration of their terms of office. Hence they were liable to be removed at the will of the appointing power. The Bucks and Abington quarters seemed to consider, either that it was invidious to change, or that a removal would create dissatisfaction, where the term of office was at pleasure; therefore, to avoid the possible causes of disunity and heart-burnings arising from removals, and with a view to distribute the offices among the different members of the society, and qualifying the members for those services; and acting on that pure democratic principle on which all our best institutions are founded, they wished to fix a limited period to the service of these various officers. Besides, it would harmonize the tenure of office. The *Discipline*, in page 37, prescribes, "That a committee should be annually appointed, in each of our quarterly and monthly meetings, for the nomination of clerks, which may afford opportunity for their being seasonably changed, and more of our qualified members exercised in those services." And in page 77: "It is further recommended to our monthly meetings, that a committee be appointed, at least once in three years, or as much oftener as the occasion may

require, to consider the propriety of changing our overseers, and bringing forward, in the improvement of their gifts, other Friends on whom a concern for the welfare of the society rests." This was a matter of deep importance to the society.

Again, there were to be presented some propositions from the Philadelphia quarterly meeting, to prescribe the discipline of the society, in respect to the number of challenges to which a member was entitled in cases of dealings or appeals. That had before rested on usage, which allowed challenges without limit (Halliday Jackson's testimony). This proposition proceeded from the Orthodox party; and it was brought up as a preliminary measure to the system of disownments which they then contemplated, and which they subsequently resorted to. This was a proposition entirely of a party character, and which ought to have been acted upon by the yearly meeting.

Another matter was the case of the Green street monthly meeting, and their right to release elders from appointments. It arose in the case of Leonard Snowden, before referred to, and which is ably set forth and discussed in the statement of the Green street meeting (vol. 2. p. 445 to 451). It will be recollected that the Green street monthly meeting united in a certificate of unity with Elias Hicks, in 1826. Mr. L. Snowden having united in the certificate, and subsequently put his name to a paper which was considered a contradiction of that certificate, was dealt with according to the Discipline, and not making satisfaction for his conduct, was released from service as an elder. This subject was immediately taken up by the meeting of ministers and elders as a permanent body; they insisted that the appointment was during life, or good behaviour. On the part of the monthly meeting, it was contended that the appointment was at the pleasure of the meeting who appointed them, with or without assigning any cause for releasing them; and they asserted their right to release such whenever they choose, on the plain principle that the power which gives, has likewise the power to revoke when it seems meet to do so. They therefore did revoke the appointment. It was insisted by the Green street monthly meeting, that this was not a subject of appeal. The monthly meeting contended, that inasmuch as the whole discipline contemplated that the appointments were made for the purpose of conferring benefits on the society, they had a right to recall them as they thought proper; that the persons appointed acted in the capacity of servants to the monthly meeting; that they were responsible to the meeting, and therefore removable at pleasure. They do not disown the member, or deprive him of his membership, but they merely release him from services which they had imposed on him; but they do not dispossess him of his membership in the society. They insisted, that if they were bound to assign a cause, they had assigned a good cause. The Discipline, p. 93, requires that an elder should "be in unity with the meeting to which he belonged, harmoniously labouring together for truth's honour." That when he ceased to be so, it was

good cause for removing him. On this point there can be no question.

There was another question of high importance which demanded consideration. The meeting for sufferings had set up their right to establish themselves as a permanent body; they received their appointments in a similar way, some from the yearly meeting, and others from the quarterly meetings, without prescribing a term of office, and therefore they were subjected to the same principles. In this case, the Southern quarter released from their appointment certain members who had been appointed members of the meeting for sufferings. But it did not appear that the members themselves made any objection to the removal; the objection came from their fellows as a body. They saw, however, that an attack was made on the power of their body, and feeling it necessary that they should place themselves beyond a responsibility of this description, they interfered to bring the matter to a settlement. The Southern quarterly meeting resisted that, and the subject was carried before the yearly meeting. And what was the state of things there? It was found that the yearly meeting was entirely incompetent to transact business at all, as a body; that the bond of union between them was prostrate in the dust; that the unity which they all admitted to be the great basis of their institutions, was broken up; and that the overshadowing influences of the great Head of the church had ceased to dwell among them. Every single act of that meeting was directly subversive of the principle of unity. Not only was that principle destroyed, but the Orthodox repudiated the principle of majority, and sought to establish the aristocratic principle, that the majority must yield to the indefinite and indefinable control of weight and influence, to be determined as the caprice, interest, or judgment of one man should determine.

Look to the scene which took place in relation to the appointment of a clerk. In the testimony in this cause, it is proved there were a hundred members in favour of appointing John Comly and only forty-seven in favour of appointing Samuel Bettle. This was a committee, and the usage of the society is clearly established, that in committees a majority governs. The committee were bound to report the sense of the majority, if unity could not be arrived at. But if unity and good order were desirable, if it was the object of the society to heal, and not to irritate or extend the inroads with which the peace of its members was threatened, Samuel Bettle was the last man in society who ought to have been selected as clerk. Yet, notwithstanding this strong expression of opinion, notwithstanding the well-established principle which pervades all other assemblies of a like character, that where unity cannot be arrived at, the sense of the meeting, as expressed by the votes of the majority, must prevail; and contrary to all systems generally resorted to under such circumstances, the minority refused to yield. What was the consequence? Samuel Bettle boldly recorded himself clerk. The very man who had already drawn the line of demarcation, thus having appointed himself clerk,

and finding that all those persons who were opposed to the adoption of a creed in the year 1823, were opposed now to his appointment as clerk, he acted upon the same principle that he unblushingly avows in his testimony, overlooks them entirely, and determines that they are entitled to no weight or influence at all in that meeting. An admirable scheme for the preservation of unity! Why not as well declare himself, that he is the only man whose word is to have weight, or whose presence is to carry command? He had been acting on that principle since 1823; the majority knew and felt it. They saw in his usurpation, the destruction of their rights, and the overthrow of the peace, order, and equality of the society. What were the majority of the yearly meeting to do then? Were they to have recourse to violence? Were they to eject the clerk by force from the meeting? It would have been contrary to the peaceable principle which was the foundation and object of their religious society, to do so. They remonstrated, they pointed out to him the baneful consequences of his proceedings, and they sought, by every conciliatory means within their power, to bring him back to a sense of his duty and his obligations. But in vain! Friends were not insensible of the contumely with which they had been treated; they were not ignorant that their voices had not been listened to by him for four years, and that their equal rights had been outraged by his unjust, unlawful, and arbitrary acts. They were fully aware of the measures which were adopted in the assumption of this more than kingly power. They expressed their dissent from the proceedings, but did not immediately retire, because they yet hoped that a sense of duty might return, and that Bettle, under the guidance of wiser counsel, would stop short in his career. They remained till Bettle proposed to Comly, that it was better that there should be a separation of the society.

I refer to the evidence of Halliday Jackson, 2d vol. Ev. p. 139, 140. It appears from this evidence, that the proposition for a separation came from Samuel Bettle. He, if he was not playing an artful and insidious part, was convinced that the yearly meeting was not in a state to transact business. In his evidence, 1st vol. p. 69, he first suggests the idea to John Comly, that these propositions could not be acted on, from the state the society was in. The fact must, therefore, be admitted, unless it is still to be contended that the minority is to rule over the majority. It is certainly true, that John Comly when he found that *all* united in calling him to the service of assistant clerk, acted for a short time as such. But he only recognized the meeting so far as they were in unity; and all the proceedings of that meeting, so far as they resulted in unity, were considered by all the Friends as binding upon them. Yet Friends are charged with being disorganizers. How unjust and untrue is the accusation. They united in extending charity to the suffering African; they laid aside a sense of their wrongs, when they were invoked to aid in a cause, which they have the high and distinguished honour of being the first

advocate. They lost the feeling of their own injuries in endeavouring to redress those of others. They were true to their own principles and those of their forefathers, in the last act of the united society. Their sole desire was once again to render firm and immovable the bond of union which had been broken asunder; and to put an end to those untoward bickerings, the pernicious influences of which were spreading themselves through all the branches of the society. They desired to restore to the society the unity which was the foundation of its original discipline. To that object alone they bent their efforts; and night and day they were conferring, not as is alleged, for the purpose of effecting a separation, but to ascertain if it would be necessary, as a last resort, to refer matters to the great body of Friends, in order to effect their desired re-union. They waited patiently and humbly to see the end of the yearly meeting, hoping that a way would be opened toward a reconciliation. But the closing act of that meeting removed all remaining hope of such a termination.

The meeting of ministers and elders had appointed persons to visit the quarterly and monthly meetings, to act as inquisitors into the consciences of Friends. In Pine street meeting, to which Jonathan Evans and his sons belonged, whose orthodoxy will not be questioned by our adversaries, it was suggested that there was an unsoundness of faith, and formal application was made to the yearly meeting, for the appointment of a committee to visit the quarterly and monthly meetings. This proposition originated as many others, which have set in motion the elements of discord in this society, in the officious interference of certain women-Friends from England, missionaries, who leave that country to inquire into the religious faith of the society of Friends here, and who had been most industriously engaged in fanning the flames of discord wherever opportunity offered itself. Samuel Bettle admits that this proposition was opposed, and that it was not adopted, until a short time previous to the adjournment, and that it was not finally adopted until it was announced that Friends had held separate meetings. 1st vol. Ev. 69, 70.

It has been said, the Friends have by the address adopted by them, at the conferences held during the sitting of that yearly meeting, and published immediately afterwards, *avowed* an intention to separate. This appears to me an error. The address, after setting forth the present condition of the yearly meeting, and the causes which have led to it, proceeds: "From this has resulted a state of things that has proved destructive of peace and tranquillity, and in which the fruits of love and condescension have been blasted, and the comforts and enjoyments even of social intercourse greatly diminished. Measures have been pursued which we deem oppressive, and in their nature and tendency calculated to undermine and destroy those benefits, to establish and perpetuate which should be the purpose of every religious association.

"It is only under the influence of 'the peaceable spirit and wis-

dom of Jesus' that discipline can be properly administered, or the affairs of the church transacted 'with decency' and in order. This blessed influence is a wall of defence, on the right hand and on the left, protecting all, even the weakest of the flock; and within this sacred inclosure our rights and privileges repose, as in the bosom of society, in perfect security. On this foundation has rested that excellent order which the society of Friends has been favoured, in a good degree, to maintain in its transactions; this is the bond that has united its members together, and enabled them to manage all their concerns in 'forbearance and love of each other.' But this blessed order has been infringed, both in the present yearly meeting, (producing unexampled disorder in some of its sittings,) and in many of its subordinate branches, and has proved a fruitful source of the difficulties that now exist.

"It is under a solemn and deliberate view of this painful state of our affairs, that we feel bound to express to you, under a settled conviction of mind, that the period has fully come in which we ought to look towards making a quiet retreat from this scene of confusion, and we therefore recommend to you deeply to weigh the momentous subject, and to adopt such a course as truth, under solid and solemn deliberation, may point to, in furtherance of this object, that our society may again enjoy the free exercise of its rights and privileges. And we think proper to remind you, that we have no new Gospel to preach; nor any other foundation to lay than that already laid, and proclaimed by our forefathers, even 'Christ within, the hope of Glory'—'the power of God, and the wisdom of God.' Neither have we any other system of discipline to propose, than that which we already possess, believing that, whilst we sincerely endeavour to live and walk consistently with our holy profession, and to administer it in the spirit of forbearance and love, it will be found sufficient for the government of the church. And whilst we cherish a reasonable hope to see our Zion, under the Divine blessing, loosen herself 'from the bands of her neck,' and put on her strength, and Jerusalem her 'beautiful garments,' and our annual and other assemblies again crowned with that quietude and peace which become our christian profession; we feel an ardent desire that in all our proceedings tending to this end, our conduct towards all our brethren may, on every occasion, be marked with love and forbearance: that when reviled, we bless; when defamed, we entreat; and when persecuted, that we suffer it.

"Finally, brethren, we beseech you, 'by the name of our Lord Jesus Christ, that ye all speak the same thing, and that there be no divisions among you; but that ye be perfectly joined together, in the same mind, and in the same judgment.'"

It breathes the true, the peaceful spirit of Quakerism, and the most devoted attachment to its discipline and institutions, and to the society itself. The courage of the Quaker is passive and it endures—its weapons are forbearance, non-resistance, and love of

in other; and it withdraws from force—confusion, and disorder.—
 It under the “influence of the peaceful spirit and wisdom of Jesus”
 it meets all difficulties with unalterable firmness of endurance, and
 conquers by patience and non-resistance. When this address was
 published, the Orthodox had announced the necessity of a separation—Thomas Wistar, Joseph Whitall and others had so done,
 . Jackson’s testimony, vol. 2. p. 140.) It was common repute in
 the winter of 1826, that the Orthodox intended to drive the Friends
 the separation.

I have shown that such a step was at least in contemplation by the
 Orthodox. At the yearly meeting, Samuel Bettle obtains the ear of
 John Comly, and under the assumed garb of friendship tells him
 will be better that the society should separate. Taking, therefore,
 these facts into consideration, if this was a separation, *up to that*
time, it was certainly contemplated by both parties; as to the Or-
 thodox, they had announced the necessity and the propriety of a
 separation; their own members had advised it; and yet we find that
 these very men now step boldly forward and tell those who have acted
 on that very advice that by so doing they have lost their property
 and their rights! It is sufficient simply to advert to these facts to
 relieve my clients from the imputations thus cast upon them. I say
 at, independent of the acts of the Orthodox party as proved by
 the evidence here produced, the yearly meeting, by its conduct in
 the instances I have alluded to, trampled upon the discipline of the
 society—and that unity, the great bond of the society was broken
 by the Orthodox party themselves. For years, at least since 1823,
 they had planned the scheme “to rule or rend the society,” and
 moved on in that plan, undismayed by defeat and unchecked in
 their career by either the discipline or fundamental principles of the
 society until, failing to accomplish the former, they effected the
 latter.

Who was it, according to the evidence, that first publicly opposed
 Elias Hicks, who, if he did preach unsound doctrines, which I do not
 limit, was at least a minister accredited by the society, and under the
 protection of its discipline, which in page 61 prescribes, “As the
 occasion of our religious meetings is solemn, a care should ever be
 maintained to guard against any thing which would tend to disorder
 or confusion therein. When any think, that they have aught against
 what is publicly delivered, they should speak to the party privately
 and orderly, and if any shall oppose a ministering friend when on her
 teaching or exhortation, or keep on the hat, or shew any remark-
 able dislike to such when engaged in prayer, let them be speedily
 admonished in such manner as may be requisite, unless the person
 against whom the uneasiness is expressed, has been disowned by
 the monthly meeting, or his or her public appearance disapproved
 by the elders.” It is manifest that the disownment by a monthly
 meeting, and the disapproval of the elders here referred to, is re-
 stricted to the monthly meeting to which the minister belongs.

This provision of the discipline is wise and salutary, and without it these recommendations of the discipline would be ineffectual. Discipline 90, "And it is recommended, that in conducting the affairs of our meetings, Friends endeavour to manage them in the peaceable spirit and wisdom of Jesus, with decency, forbearance and love of each other."—Who does not know, that "the peaceable spirit and wisdom of Jesus," and all "decency, forbearance and love of each other," departs from "religious meetings," where a ministering Friend, travelling with the certificates of his appropriate meetings, and as prescribed by the discipline of the society,* or acting within the limits of the meeting to which he belongs, is publicly opposed. The duty of ministers and elders, is limited to advice and admonition, Discipline 60, says, "It is our earnest desire that both ministers and elders, may be as nursing fathers and mothers, to those that are young in the ministry, and with all care and diligence advise and admonish them; and if they see occasion, reprove them in a tender and christian spirit, according to the *rules* of our discipline and counsel of Friends, in that respect."—Now, what do those rules prescribe, Discipline 60, "And if any (minister) in the course of their ministry shall misapply, or draw unsound inferences, or wrong conclusions from the text (of the scriptures of the Old and New Testaments,) or shall misbehave themselves in point of conduct or conversation, let them be admonished in love and tenderness, by the *elders or overseers where they live*, and if they prove refractory and refuse to acknowledge their faults, let them be further dealt with in the wisdom of truth, as the case may require." If practices of this kind were permitted would it not tend to "disorder and confusion therein;" and how could the preparative and monthly meetings once a year, respond to the query which the Discipline, page 87, requires to be answered. "Are love and unity maintained amongst you." Strange, indeed, would it be if ministers and elders should possess the power of publicly opposing ministering Friends, who did not belong to their meeting, in a society, whose discipline throughout, breathes the "peaceable spirit and wisdom of Jesus," and strives to inculcate it by all their rules. It not only watches over their religious meetings and meetings of business—their public assemblies; but extends its panoply to individuals in their private walks. Discipline 76, in respect to *overseers*, declares, that it is their duty "to exercise a vigilant and tender care over their fellow-members, that if any thing repugnant to the harmony and good order of the society, appears among them, it may be timely attended to and not neglected, and to prevent the introduction of all unnecessary and premature complaints, to meetings of business, it is advised, if any member shall have cause of complaint against another, that it be

* The Discipline, page 126, prescribes, that when a Friend is religiously concerned to make a visit to the meeting of Friends beyond the limits of his yearly meeting, he must obtain a certificate of the monthly meeting of which he is a member, with the endorsement of his quarterly meeting.

mentioned to the overseers, who are to see that the party complained of, has been treated with according to *gospel order, previously* the case being reported to the preparative or monthly meeting, and it is desired, that in dealing with any that it be done with the spirit of meekness and love, patiently endeavouring to instruct and advise them."

Who was it, that, regardless of the discipline of the society, by showing "a remarkable dislike" to a ministering Friend, by adjourning their own meeting whilst he was attending in the meeting of the Women-Friends? It was the Orthodox party; nay, of their ministers and elders, "the nursing fathers and mothers of the society."

Who first attempted to fabricate a creed to bind the hearts and consciences of a people, professing to be gathered by the spirit and power of the Lord, and to be released by that spirit and power from the impositions and teachings of men, and to be inspired with decrees "of the same universal love and good will by which the inspiration of the Gospel was ushered in?" Discipline, page 1. The Orthodox party. You not only find no warrant for a creed in the discipline of the society, but its whole scope, letter and spirit abhors and repudiates any thing in the nature of a creed, beyond "a belief" in the divinity of our Lord and Saviour Jesus Christ—the immediate revelation of the Holy Spirit, and the authenticity of the scriptures. Beyond that the discipline and the ancient fathers of the society look upon creeds as "the impositions and teaching of men." Yet the meeting for sufferings, acting under the guidance of the Orthodox party, in face of the discipline of the society, which prohibits them from meddling with any matter of faith not determined by the yearly meeting, (Discipline 54,) adopted a creed on their own, in an unprecedented manner recorded it on their minutes, and in this surreptitious manner attempted to introduce it before the yearly meeting; so that, without being openly and knowingly sanctioned, it might become *sub silentio*, a creed for the society. This act of the meeting for sufferings was a violation of the discipline, for which they and the Orthodox party, who urged it, are responsible.

Again, I ask, who was it that violated the discipline of the society, in attempting to extend the powers of the meetings of ministers and elders, to interfere with the business of a meeting for discipline? (page 65 of Discipline.) It was the preparative meeting of ministers and elders of Green street monthly meeting, 2 vol. Ev. 80. Who stretched forth a helping hand to this attempt to interfere with the business of a meeting for discipline? The quarterly meeting of ministers and elders of Philadelphia, (Ib. 481.) It was the act of the Orthodox party.—Who urged and supported Leonard Snowden in his appeal, unsanctioned by the discipline, and subversive of the salutary power of the meetings for discipline? It was the same select body of Orthodox ministers and elders—who thus threw a fire-brand into the society, which still burns unextinguished—spreading

its baneful light, and kindling the flames of disorder and confusion in all its borders.

The wise and prudent founders of the discipline of this society, entertained a laudable jealousy of delegated power. They seem, first to have acted upon the great principle of constitutional construction, now happily incorporated in our civil institutions: that all power not delegated, is retained by the power which originally possessed it. Hence you find that the society had wisely guarded the great body from the dangers of delegating powers to a select body, and that they have used every precaution for the protection of individuals, from its abuse or usurpation. They had learnt from the pages of history, the melancholy, but warning fact. How gradually and imperceptibly, but how constantly power is "stealing from the many to the few." Therefore they have, by the discipline, not only prescribed precisely the extent of that power with which these select meetings should be entrusted, but they expressly prohibit them from any interference with the business of any meeting for discipline, the great depositary, as well as the guardian of the civil and religious rights of members. It is the palladium of their rights. In meetings of discipline all are equal—the officers recognized by the discipline as acting therein, are looked upon as discharging services for the welfare of the society, and to qualify them, and bring them forward in the improvement of their gifts, for that purpose. But the only mode of depriving a member of his rights or membership, is by the judgment of his *peers and of the vicinage*; the monthly meeting to which he belongs. Yet the Philadelphia quarterly meeting of ministers and elders, consisting of the leaders of the Orthodox party did interfere with the Green street meeting, in the case of Leonard Snowden, as you have seen, and thus usurping a right prohibited to them. Disorder and confusion enters its peaceful borders—harmony and good order is expelled, and finally it is followed by separation. Was there no violation of discipline here? By whom, and who are responsible for it?

Who attempted to set up the meeting for sufferings as a permanent and irresponsible body? It was the Orthodox party; and yet by the discipline they were prohibited from meddling with any matter of either faith or discipline, not previously determined by the yearly meeting. Thus this meeting is placed in subordination to the yearly meeting, and we have seen that the members of it hold their appointments at the pleasure of that meeting, and of the respective quarterly meetings, belonging to the yearly meeting. Notwithstanding the plain provisions of the discipline, when the Southern quarterly meeting, acting within its disciplinary orbit, and in accordance with the principle of rotation in office which their whole system inculcates, seasonably changed their representatives in that meeting—the creature exalts himself above the *Creator*. They felt power, and forgot right. They had so long been continued in important stations, that they forgot the power that raised them. They set

themselves up as an independent and permanent, and self-created body. They sent a committee to remonstrate with the Southern quarter, and finding that they knew their rights, and knowing, dare maintain them, that they refused to be cajoled, or overawed, they expelled the lawful members, and retained those who had been superseded.

This was a stretch of power that Cæsar and Cromwell would approve, but it was calculated to awaken the fears, and call into action, the conservative principles of the discipline and faith of the peaceable, and patient, and humble followers of Fox and Penn. Amidst these oppressive acts, which marked too clearly the design of the Orthodox to overturn the constitution of the society, to grasp whatever powers it parcelled out, and to usurp what they found convenient or necessary to rule it, the Friends remained true to their principles. They looked to the yearly meeting, in the hope that a way might open to restore harmony and good order to the society, and that under the influence of the peaceable spirit and wisdom of Quakers, the discipline would be restored, and the affairs of the society transacted with decency, forbearance, and a gospel spirit. But the first act of the Orthodox party in that meeting, in forcing a clerk upon the meeting contrary to the usages and against the will of the society, in any other body would have provoked forcible resistance. Their endurance of this outrage and high-handed usurpation, proves their faith to the name of Friends, and illustrates, strongly and undeniably, the sincerity of their professions. Neither the discipline nor usages of the society restrained those who had so long engrossed power: they were Lilliputian cords, which could not bind the strength of ambition. Still, however, Friends did not separate. In the language of their address, they, in the true spirit of Quakerism, convened at Green street meeting house, "to confer together on the present unsettled state of the society of Friends, and to consider what measures it might be proper to take in the openings of truth, to remedy the distressing evil." They waited until the last act of that party meeting which had banished the restoring spirit of meekness and christian love, and the gospel spirit had ceased to be "the spring and motive of any of their performances." (See Discipline, 5.) They saw that meeting governed by a usurping clerk, who had become a dictator, and considered them as entitled to no weight or influence at all. They saw in defiance of their opposition a committee appointed, with inquisitorial power, to visit the subordinate meetings, clothed with powers which would give an ubiquitous influence and continued powers to the party who had daringly overthrown the discipline, the spirit, and the peace of the society. It was the last act of that party meeting. It had ceased to be a yearly meeting of Friends. It had virtually expelled the majority by denying them all weight and influence in the proceedings of the meeting. It was evident that the cup of oppression was full to overflowing.

It was manifest that the intention of that party yearly meeting was to carry on a system which must inevitably prostrate the liberties and destroy the rights of individual members, and subjecting them to the supervision and inquisition of a committee unknown to the discipline, and if submitted to, carry down to the subordinate meetings the spirit of domination and usurpation which had banished harmony and good order from the yearly meeting.

But you find that up to this time no separation had taken place. Friends assembled at the yearly meeting or not, as they thought proper, till the meeting finally adjourned. Then, and not till then, did Friends adopt the address; and then it was that the Friends found it necessary to adopt some steps for the restoration of the good order and harmony of the society. Even then, it was not their intention to rend their society in twain, or put down the meeting to which they then belonged. These acts of that party meeting were a plain prostration of the very letter and spirit of the discipline. To what end, other than divisions, were all these acts to come?

Under these painful oppressions how did Friends act? They adopted "An address, not to a party, but to friends within the compass of the yearly meeting at Philadelphia"—in which they briefly, and mildly, and calmly set forth their wrongs, and say—"It is under a solemn and deliberate view of this painful state of our affairs, that we feel bound to express to you, under a settled conviction of mind, that the period has fully come, in which we ought to look towards making a quiet retreat from this scene of confusion, and we therefore recommend to you, deeply to weigh the momentous subject, and to adopt such a course as truth, under solid and solemn deliberation, may point to, in furtherance of this object, that our society may again enjoy the free exercise of its rights and privileges. And we think proper to remind you, that we have no new gospel to preach; nor any other foundation to lay than that already laid, and proclaimed by our forefathers, even 'Christ within, the hope of Glory'—'the power of God, and the wisdom of God.' Neither have we any other system of discipline to propose, than that which we already possess, believing that, whilst we sincerely endeavour to live and walk consistently with our holy profession, and to administer it in the spirit of forbearance and love, it will be found sufficient for the government of the church. And whilst we cherish a reasonable hope to see our Zion, under the Divine blessing, loosen herself 'from the bands of her neck,' and put on her strength, and Jerusalem her 'beautiful garments,' and our annual and other assemblies again crowned with that quietude and peace which become our christian profession; we feel an ardent desire that in all our proceedings tending to this end, our conduct towards our brethren may, on every occasion, be marked with love and forbearance: that when reviled, we bless; when defamed, we entreat; and when persecuted, that we suffer it."

In the conclusion of that address, they looked forward to another

friendly meeting, and adjourned to the first second day of the sixth month then next, at Green street meeting house, Philadelphia.

The object and intent of this proposed meeting, was to build up the falling fabrics of their institution, not to hasten their final destruction. Restoration, not prostration, was the aim of Friends. And I insist, that the further we proceed in the evidence the more clearly we must perceive that the Orthodox party had determined to coerce a separation. Friends, in seeking a quiet retreat from this scene of confusion, had avowed the Quaker principle, that when persecuted they would suffer it. In the interim, between the close of the yearly, and the time appointed for the adjourned meeting on the first second day of 6th month, 1827, on the 7th day of fifth month, 1827, the Philadelphia quarterly meeting struck the last decisive blow at the discipline of the society, and consummated the last act of usurped power. They laid down Green street monthly meeting, (2 vol. Ev. 489, 490.)

Now let me ask, where can be found authority for this unprecedented act of usurpation and tyranny and arbitrary power? It is not to be found in the discipline. That gives no such power. It is attempted to be supported on the clause to be found in the Discipline, page 31. "The connection and subordination of our meetings for discipline are thus: preparative meetings are accountable to the monthly; monthly to the quarterly; and the quarterly to the yearly meeting. So, that if the yearly meeting be at any time dissatisfied with the proceedings of any inferior meeting; or a quarterly meeting with the proceedings of either of its monthly meetings; or a monthly meeting with the proceedings of either of its preparative meetings—such meeting or meetings ought with readiness and meekness *to render an account thereof when required.*"

The language of the preceding clause is that of recommendation or advice, and not command. It is not a law—1 Black. 44, Law is also called a rule to distinguish it from advice, or counsel, which we are at liberty to follow or not, as we see proper, and to judge upon the reasonableness or unreasonableness of the thing advised." It cannot be supported upon that clause.—Another clause has been relied on as imparting this power—Discipline, 31, 32, "It is agreed that no quarterly meeting be set up or *laid down*, without the consent of the yearly meeting; no monthly meeting without the consent of the quarterly meeting, or any preparative or other meetings for business or worship, till application to the monthly meeting is made; and, when there approved, the consent of the quarterly meeting be also obtained."

It is manifest from this clause that the meeting to be set up or laid down, must be the actor. To do either, their consent must be obtained; without such consent they cannot be laid down. The case which happened is a "*casus omissus*." This is also proved by the discipline of the society, which provides no appeal in such cases. It secures to an individual the privilege of an appeal when aggrieved;

and is it possible, that if the discipline contemplated vesting the power in a superior meeting of laying down an inferior meeting, that power which destroys at once all right of the individual members, could have been given without appeal. No usage, here or in England, can be found to support this high handed measure. If the attempt should be made to support it, on that ground, no case can be found where the consent of the subordinate meeting was not previously obtained. In England, the discipline of the society gives the authority to a superior meeting to lay down an inferior meeting, but even there the superior meeting has never attempted to exercise such a power without the consent of the inferior meeting. The fact of the diversity in the disciplines of the yearly meeting in England and that of Philadelphia on this subject, is decisive against the existence of such power here.

But I contend, that the discipline of the society restricts the subordination of meetings to questions of discipline, not property.—As to property, each meeting owning it is supreme. Where is to be found the provision in the discipline which vests the right of property held by an inferior meeting in a superior meeting? Yet give to this discipline the construction contended for, and trace the consequences. All the property held by the meetings belonging to the society in New Jersey, would be subject to the control of the yearly meeting in Philadelphia. The yearly meeting might lay down a quarterly meeting; and, *ipso facto*, all the subordinate meetings would cease to exist, and their property would, in a new fashioned mode of escheat, vest in the Philadelphia yearly meeting; nay, as the Orthodox acknowledge subordination to the yearly meeting in England, if that yearly meeting would choose to lay down the Philadelphia yearly meeting, they would acquire all their property. It is clear, then, if this system of laying down meetings, according to their proportionate rank or power, is to be acknowledged, it would place all the property of the subordinate meetings under the action of the yearly meeting to which they belonged, and its authority must grow at length to an extent the most fearful. Is it to be supposed, that the Chesterfield Friends ever intended that their property, designed for their places of worship, and the education of their youth, should be placed under the direction of Friends in Pennsylvania, with the additional power of the meetings of ministers and elders, and for sufferings in Philadelphia as claimed by the Orthodox, to control the discipline of the society, and by that means to cause the monthly meetings to be laid down at pleasure, and divest them of their property. Such a construction is too monstrous to be seriously pretended. No body of men would ever, knowingly, come into such a compact, or place themselves under such a discipline. All history teaches the lesson that power is corrupting in its operation, and insatiate in its demands. Give this construction to the discipline, and the yearly meeting at Philadelphia have a short and summary mode of diverting the property of their Jersey Friends, and

drawing it into the absorbing vortex of the city—short would be the struggle of right against might—and “the spoils of victory” would belong to the vanquished.

I have thus sketched the consequences of this construction; to show that it strikes at once at the whole foundations of the society, and would lead to consequences which would bury, in one common ruin, the rights of conscience, of religious freedom, and of property. It was time for Friends to seek a quiet retreat from the scenes of confusion and disorder which it would necessarily create, and a refuge from such tyranny, where they might enjoy their rights and privileges.

I beg your honours to mark the course of things in the intermediate time. Had the Orthodox party relented? No; they showed a spirit of inflexibility as invariably the attribute of Orthodoxy as effect is of cause. The Orthodox had locked the doors of the Arch street meeting house against the living, and they had closed the ground of sepulture against the dead. Scenes occurred of a character too clearly demonstrative of the fact, that the line had been finally drawn. I will not dwell upon those scenes, nor give pain to the court by recurring to them further. They are not worthy of imitation, and they stand as beacons to mark the course of Orthodoxy. It spares neither the rights of the living or the sacred claims of the dead. I am fully borne out, therefore, in the assertion with which I set out, that up to this time Friends had not come to a settled conviction of mind; that the time had fully come to make a quiet retreat from this scene of confusion, and restore the society to that good order, harmony and peace, which had been destroyed by the oppression, usurpation, and arbitrary proceedings of the Orthodox party.

When a great body of any association find it necessary to act upon the unalienable rights of man, they have a right to demand credit for the sincerity of the motives which impelled them to the act. The meeting of Friends which assembled on the first second day of 6th month, 1827, addressed an epistle to Friends within the compass of the yearly meeting, in Philadelphia, in which, after setting forth the grievances which I have adverted to, they say: “Friends have viewed this state of things with deep concern and exercise, patiently waiting in the hope, that time and reflection would convince our brethren of the impropriety of such a course. But hitherto we have waited in vain. Time and opportunity for reflection have been amply afforded, but have not produced these desirable results; on the contrary, the spirit of discord and confusion has gained strength, and to us there appears no way of regaining the harmony and tranquillity of the body, but by withdrawing ourselves, not from the society of Friends, nor from the exercise of its salutary discipline, but from religious communion with those who have introduced and seem disposed to continue such disorders among us. They therefore propose for their consideration, the propriety and expediency

of holding a yearly meeting for Friends in unity with us, residing within the limits of those quarterly meetings heretofore represented in the yearly meeting held in Philadelphia to appoint representatives, to meet in Philadelphia on the third second day in tenth month, then next, there to hold a yearly meeting of Friends, upon the principles of the early professors of our name, and for the same purposes which brought them together in a religious capacity, to exalt the standard of truth, promote righteousness and peace on earth, edify the churches, and generally to attend to all such concerns as relate to the welfare of religious society, and the cause of our holy Redeemer, who is God over all, blessed for ever." They adjourned to meet again in the tenth month, 1827; and finally to the second second day of fourth month, 1828; and the great majority of the society of Friends have continued to meet ever since, at the said time, in Green street meeting house. During all these trying times, the society of Friends have steadily adhered to the discipline of the society and the faith of ancient Friends; and having shown that the Orthodox party have broken the discipline of our society, and that we have abided by it, I submit to the court, that my clients have not incurred legally or equitably a forfeiture of their rights as members of the society of Friends, upon the ground of departure from the discipline of the society.

I consider the discipline of this society as a contract entered into by all the members of the society of Friends. If so, it is a well-settled principle of law, that he who first breaks it cannot enforce that covenant which he has first broken; if this were a covenant entered into between two parties, would that be a good defence on behalf of the one covenanting party to show that the other had first violated it? The party violating a contract cannot maintain an action on it. (Comyns, title Covenant, letter F. 2 Pennington's N. J. Reports, 145.) This, I apprehend, is a principle perfectly familiar to us all. This principle is incorporated in the law of nations, and is of universal application. If two independent powers enter into a treaty, and one of them is guilty of a violation, the power so violating cannot insist on the performance of the treaty by the other party, for he is thereby released from all obligation to fulfil it. The breach of a treaty, by one party, releases the other from its obligations. (Vattel, book 4. ch. 4. sec. 54.) In Hutchinson's Philosophy, 267, obligations are released by the perfidy of the other party.

The adoption of the discipline of the society raises a covenant on each member to obey its injunctions; and if I have shown that the Orthodox party first violated it, they cannot come into a court of equity to enforce a penalty or forfeiture against the other. The question, therefore, meets us--who first broke this discipline? and if there be any case in which the principles I have just stated can operate, it should be in such a society as this; there is no other remedy for oppression, no other protection from wrong. I respect

ally insist, and trust that I have shown, the compact which was originally entered into, was first violated by the Orthodox party ; that they, a minority, and a lean minority of the society, relying on pages which they have not proved, and against both the letter and spirit of the discipline, have endeavoured to prostrate the rights of the majority ; and that therefore, on the plain principles of natural and civil law, they have no right in a court of equity to charge their adversaries with any breach of that discipline which they first violated. Up to the period of the yearly meeting of 1827, and during its progress, the Orthodox party, and they alone, were guilty of repeated violations of the discipline, and, therefore, they alone must be answerable for the consequences.

By the discipline, the preparative meetings are established by the members themselves, and the consent of the monthly meeting to which they belong. They are entirely independent in relation to matters of property. It is there that all the proceedings must originate, and be finally decided ; no appeal is provided for by the discipline. It is there, also, the rights of members are to be first raised upon ; and if that meeting forms a voluntary contract with a superior body, and that superior body violates the bond or compact which binds them together, the superior meeting cannot deprive the inferior of their rights.

There is also another point of view in which this subject may be considered. This society is *unincorporated* ; for the Friends have always been averse to the adoption of any act of incorporation. And this fact proves not only that the discipline rests upon the voluntary consent of the members, but that they rest upon the influence of the peaceful spirit and wisdom of the great Head of the church for its enforcement. Had they applied for an act of incorporation they must have submitted to the dictation of the government, as to the terms of their union ; but they have carefully abstained from any measure of this description.

This religious society is a mere voluntary association. The rule of law is well settled ; that all unincorporated societies are considered in law, in the nature of a partnership. 3 Vesey and Beame's Reports, 180 ; 2 Maddock's Ch. Reports, 181.

The yearly meeting of Philadelphia, was originally formed, not by quarterly meetings as such, but by the monthly meetings. The monthly meetings in this country sprung from the consent of the individual members of the society who emigrated to this country, and who, of their own accord, and without the authority or consent of any other body, set up preparative monthly meetings. The plan of organizing a yearly, was first proposed by the monthly meeting of Burlington, and thus the first yearly meeting of Friends in Pennsylvania, New Jersey, and part of Delaware and Maryland, was organized. It was held first at Burlington, and afterwards alternately at Philadelphia and Burlington, and finally, by the vote of the ma-

jority was permanently fixed at Philadelphia. Preparative and monthly meetings were the primary meetings of Friends in this country. The quarterly meetings were recommended and formed under the auspices of the yearly meeting. The monthly meetings were the original actors, and parties in establishing the yearly meeting. They were the great actors in the business of the society, and out of their recommendation the quarterly meetings took their rise.

Now, the monthly meetings, being unincorporated, are to be considered as partners in the voluntary association of the yearly meeting. The members of the monthly meetings in forming the voluntary association, are also to be considered as partners. May they not, on principles of law, voluntarily withdraw from such association or partnership? They have not parted with that inherent right belonging to all partners. The principle that a partner for an indefinite period may withdraw and take his property with him at pleasure, is well established. Gow, on Partnership, 275, Cooper's Justinian, 201.

Now, even supposing that this was a case in which we had put our property in common stock with the yearly meeting, we might still have withdrawn from it, and taken our property with us, at our pleasure. But this we have never done; we did not put our property in common stock, or subject it to the control of the yearly meeting. That meeting does not even own the meeting house in Arch street, where the members assemble for discipline and worship. That property belongs to the Arch street monthly meeting, and the yearly meetings are, therefore, dependant for its use on the consent of the monthly meeting whose property it is. If the yearly meeting was intended to have a control over the property of meetings subordinate in discipline, we should have found some traces of such a right in the evidence which has been produced, but no such right of control has been shown.

If, therefore, as I contend, the connection here existing was to be looked upon merely as that which exists in an unincorporated company, we have unquestionably a right to dissolve the connection whenever we may think right, and our property remains as before such connexion was formed. Again, the division of an empire or state creates no forfeiture of rights previously vested. In support of this, I cite 9th Cranch, 50, 2d Johnson's cases, p. 29, 3d ib. 109; and 7 Coke, 27, *Calvin's case*.

The principle itself is as old as the common law; it was brought from England; and under our more liberal and representative institutions, it has been cherished and upheld as one of the dearest rights which we enjoy. These monthly meetings, then, were originally independent, and they chose to constitute a yearly meeting with certain specific limited powers; and when they who created that meeting chose to withdraw from it, where is the ground upon which it shall be successfully maintained that their property shall not be

withdrawn with them? Surely at this enlightened period of jurisprudence, and under a constitution so auspicious to the rights of men as that under which we are living, it cannot be necessary for me to dwell longer on this view of the case. If a monthly meeting, or conference of the monthly meetings creates a yearly meeting, whatever powers are not specifically delegated or given, are retained; and none beyond those which are specifically defined can be exercised. It is precisely so where powers are delegated for certain purposes, by the great body of the people. This principle has become the settled law of nations, and rests upon the law of nature.

Again, a change of sovereign, or of the head of a government does not produce a change in the proprietorship of the soil. (1 Wheaton, 282; 8th Wheaton, 481, and 6th Cranch, 198.)

In 2 Sergeant and Rawle, 543, it is held that all religious associations in this country must be voluntary; membership is a matter of consent, and consent ceasing, the right of control also ceases. In Puffendorf, book, c. 12. s. 5, it is said that if two ancient members of a state voluntarily separate, each must enjoy its right, or in proportion as they held it before the separation took place. And the court will find another principle, the bearing of which is important in this case, distinctly laid down in 3d Dallas' Rep. p. 386: "That legislatures, under our free constitutions, springing from the people, have no power inconsistent with the objects of their creation," and this principle will apply most fully to the point before us. The Orthodox party must demonstrate that the yearly meeting had powers beyond those which are given by the discipline—none can be inferred. The law makes no presumption of their existence, and they must also show how and when they were bestowed. This, and all this, will be necessary to carry into effect their present purpose of enforcing the forfeiture. It is plain that such powers were not necessary for the purposes of the creation of the yearly meeting, or was it intended to clothe that meeting with authority so supreme; it was not created in order that it might divest the members of this society of their privileges and property, whenever caprice, inclination, or tyranny, might suggest the measure; but it was created as a shield and protection to those rights and privileges as then existed.

To the successful establishment of these principles every member of the court which I have the honour to address, holds his seat. Why did our ancestors separate from Great Britain? Was it not on the ground of the abuses and usurpations of that government, and its ceasing to secure the great ends for which it was created. And the principle which I here advocate is incorporated with the very frame and sinew of our constitution. It pervades the whole structure; and influences all its operations.

In this case we rest upon principles which are interwoven in all our civil institutions. They lay at the foundations of our civil government. The Declaration of Independence proclaims, that

governments derive their just powers from the consent of the governed—"that whenever any form of government becomes destructive of these ends," (the security of the unalienable rights of man, among which is life, liberty, and the pursuit of happiness,) "it is the right of the people to alter or abolish it; and to institute a new government, laying the foundation on such principles, or organizing its powers in such form as to them shall seem most likely to effect their safety and happiness."

This same principle is recognized by Lock on Governments, ch. 19. He says: "If any nation is dissatisfied with the public administration of an existing government, it may apply the proper remedies, and reform the government." Sir Walter Scott, in his life of Napoleon, ch. 4. 204, says, "That the right of redressing grievances does not belong to, and is not limited by any form of government. It is a right which belongs to human nature, under all systems whatever." I have shown that the grievances of which we complain were real, that here were abuses and usurpations of the Orthodox party, which destroyed all the blessings that the discipline or constitution of the society was intended to secure. That fact cannot now be questioned. It must be taken as true, because two-thirds at least of the society of Friends have subsequently sanctioned it; and Vattel tells us, in book 1. ch. 3. s. 31, That the act of the majority, sanctioning the change of government, must pass without dispute. Such is the doctrine sanctioned by our revolution; it was the act of the majority, and they triumphed. How then can this principle be questioned in this court.

I will trespass farther on the indulgence of the court, by citing additional authorities to prove these principles.

I consider that the late learned and lamented chief justice, in the opinion which he has given, has fallen into a radical error, and that from the very outset he has mistaken the true inquiry on which the rights of these parties depend.

In page 20 of his opinion, he assumes, "That there is, however, and there can be, as is asserted and admitted by all, but one ancient yearly meeting, and but one body entitled to that appellation," and further, he proceeds, "There is and can be but one Chesterfield preparative meeting of the society of Friends. There is, and can be but one yearly meeting, a preparative meeting must be connected with the yearly meeting of Philadelphia, and without such connexion, no assemblage is a preparative meeting."

Where is the authority for this proposition to be found? Is it in the original subscription? I think it will scarcely be discovered there? The Arch street meeting might change its doctrines; it might become Episcopalian or Baptist; and what security would be found for the preservation of the fund to those for whose benefit it was intended, if on any such change the property was to be carried away at the same time? It was always intended that that fund should be governed, not by the Friends in Arch street, not by the

early meeting, but by the meeting of Friends at Crosswicks. Nothing is to be found in the original constitution of the society on which it can be alleged that the fund was to be continued and held dependant on a connexion or subordination to the Arch street meeting? If so, where is such a provision to be found? Suppose there had been two meetings at Philadelphia, how would the case have stood? Is there anything by which the Friends are prohibited from having two meetings? where is the house which is commodious enough to hold the twenty-six thousand members who are attached to this society? Yet such is the proposition of the chief justice; it is the main pillar of his argument throughout, his very polar star; that if we are not attached to the Arch street meeting, we must, of necessity, forfeit our rights. What then becomes of the principles of our Declaration of Independence, of our revolution, of all our institutions of natural law, and of municipal law? I respectfully deny his proposition, and call for the authority on which it rests. I humbly insist that the majority of the society had the right, when they found that the Arch street yearly meeting ceased to secure the ends for which it was instituted, the majority of the society had the right to alter or abolish it, and institute a new one; nay, if they found that the Arch street yearly meeting, by abuses and usurpations, destroyed the ends of its establishment, the majority of the society had a right to form a new yearly meeting. Is it, in this country, a debateable question, that an association, formed by an unincorporated society, may not by the act of the majority alter it? The intention of forming a yearly meeting was, that all the members of the society might assemble together. If that end is rendered impracticable by the increase of the number of members, may they not by the act of the majority provide a mean by which that end may be obtained?

Again, the judge lays down another proposition, in which he appears equally incorrect. He says, page 40, that we have "little to do with the causes of division and separation, about which so much has been said and written, in the course of this cause, or with the division and separation, except, so far as they may operate on the legal existence of the assemblies of this society." Again, in page 41, he says, that "it is of little worth to inquire into the plans, designs, or views of individuals, or even the acts of inferior bodies, since these, however incorrect, or hostile, or indefensible, can have no great influence on our main pursuit." Again, he says: "the only question is, whether the body that claims to be the true meeting, do meet at the time and place at which the Arch street meeting is accustomed to be held." This is surely sacrificing the substance to the shadow; and subjecting great and established principles to the control of immaterial circumstances; and it is a proposition which one could scarcely expect to hear from a mind so luminous and sound as that of the judge, whose opinion I cite. He however, I apprehend, is mistaken; we are not to be guided in matters so important by mere accidents or trifling matters.

Where persons are acting in a representative capacity, their time and place may be of the essence of the meeting; but even in cases of this description the law allows a latitude of discretion. It is a historical fact, that during the revolutionary war, the legislature, acting under the present constitution, adjourned to meet at Trenton, and at another time actually met at Pittstown. Yet the proceedings of that meeting have never been called in question, and they were never legitimated by a subsequent act of legislation. I think, also, that a similar fact soon occurred in the meetings of Congress, during the revolution, and afterwards, during the late war, when the capitol was burnt at Washington, the members, although adjourned to meet at the capitol, met at a different place. They carried the objects for which they met into execution, considering the time and place immaterial and subservient to the great objects of their convening. But when the people who hold the power, and exercise it collectively, and meet in their original primitive character, for the great ends of government, time and place are immaterial, and are but as wax in their hands; they can mould them into whatever forms they please, to suit the end which they have in view. In such cases the act of the majority is the act of the whole.

But of the Orthodox party, who have possession of the records of the yearly meeting, I apprehend you will find that they themselves changed the time and place of meeting against the unity of the society, thereby assuming the power to close. I allude to the Keith controversy.

It appears that the yearly meeting adjourned to meet at the house of Thomas Budd, in Burlington. He was a principal in the Keith controversy, and took part with Keith. Did the yearly meeting meet at Thomas Budd's?—I presume not! Where did they meet? Why are these records not produced? They would disclose whether the measure I allude to was adopted by unity, or by majority, or by what other means it was carried. Doubtless they have good reasons for not favouring us with a view of those proceedings. But when a party called on by notice, suppresses evidence in their possession, the law presumes everything against them.

I maintain that the society of Friends in changing these arrangements, were acting in their characters as possessors of the sovereignty of themselves; acting in their primitive character, and not as delegates. Had they not a right to do so when they found that the present time or place of their meeting did not answer the objects of the society? If this be so, the creature is greater than the creator. They had a full and unlimited right to hold it where they pleased unless they were specially bound to meet in one particular spot and at one particular period of time. Was this change of the time and place of the meeting of the yearly meeting sanctioned by a majority of the society? Without doubt, a large majority of the yearly meeting have sanctioned the separation which has taken place. Can they not, then, change the modes of association? They found that

the yearly meeting held in Arch street, were guilty of abuses and usurpations; that majority found that they were excluded from the common rights of fellowship, and that a further adherence to, and continuation of, that meeting would on that account no longer accomplish, so far as they were concerned, the purposes contemplated at its organization. They were denied the privileges of members, and virtually expelled by the act of the clerk; who, ceasing to be the servant of the meeting, became its dictator, and gave them no weight or influence at all. That the meeting ceased to perform its functions, and ceased to be a yearly meeting of Friends, but became a meeting of the Orthodox party only.

On what ground, therefore, were they precluded from establishing another meeting, which would answer the proper ends and purposes of a yearly meeting? It became simply the meeting of Samuel Bettle, and those whom he chose to consider entitled to weight and influence. By the act of the clerk its whole form of government was changed. It ceased to be a democratic meeting of the society, and became an aristocratic meeting of the select few. Friends made a quiet retreat from this confusion, where their rights were destroyed; and these being the causes of their separation, the simple change in the time and place of government is not to be weighed against them. They did not create a new faith, or a new discipline; they held, in fact, the faith and discipline of their forefathers; nor can the slightest inference be drawn either that they have deserted the old and adopted a new system of doctrines, from the mere fact that, stung by oppression and injustice, they were compelled quietly to retire to another place, where they might accomplish the great and legitimate objects of a yearly meeting. They have avowed the causes which impelled them to a separation. They have solemnly appealed to their brethren; and they, by the act of the great majority, have not only sanctioned the truth of the avowal, but the act itself. Beyond this the court will not seek for the causes of the act. They are to be considered as true, until the contrary shall be shown. Like the illustrious fathers of our revolution, they avowed the causes of their separation, and they did all in their power to explain to their own society, and to the world, the true nature of those grievances. And I say, that it was full time for men who were excluded from their privileges by a self-appointed, usurping clerk, and by the unrelenting and inexorable tyranny of a few, to fly for refuge to the unalienable rights of citizens. I care not what guise tyranny may assume; I care not whether it rears its odious form in our civil or religious institutions; wherever or whenever it lays its sacrilegious hand upon the rights of man, the remedy is within his own grasp.

Who now questions the truth of the Declaration of Independence? The myrmidons of power then branded it as false, and its authors as rebels, disorganizers, traitors, and disturbers of the peace of society. History has written their eulogy—and the decision of the

majority of the people put their seal upon its truth. He carries with him, through life, the commission of his creator to redress such grievances : God pronounced him free ; and God approves and smiles upon the effort by which he would subdue the tyrant that seeks to forge his fetters.

I humbly submit then, that the judge erred in saying, that he had little to do with the causes of division and separation. It is the very point in issue. Upon the truth of those allegations, if established, rests our title to preserve our rights. But the judge also errs, I apprehend, in his view of the power of a clerk in the society of Friends. He is the mere servant of the meeting ; may he become its master ? The principle of the society requires unity, to sanction an act ; may he substitute for that unity a minority ? No usage can abrogate fundamental principles, and destroy the whole letter as well as system of government adopted by any society. It is remarkable, that the discipline makes no distinct provision for the appointment of a clerk. That appointment, and the manner of his appointment, may rest on usage. It cannot make him sole dictator. In the nature of things, he must be the servant of the meeting, and so Samuel Bettle admits he is. Yet he presumed to act as master of it.

But what have we to do with all this controversy in Pennsylvania ? We are in New Jersey, deciding upon the rights of Jersey-men ; and are we, because the Friends in that state form incorrect conclusions, to be made the sufferers ? Are their dissensions to deprive us of our property ? Look at the principle involved ! That yearly meeting have never had any authority given them to lay down the meeting to which we belong ! Can they do indirectly what they cannot do directly ? Are my clients, if they happen to make a slight mistake, though with every desire and intention to do what is right, and adhere to the discipline and faith of ancient friends, are they, I ask, to be, therefore, substantially disowned and disfranchised ? That meeting could not by any act deprive them of their property, is admitted on all hands ; yet, when a schism arises in a foreign society, in which, as far as respects that schism, they do not appear to have had any agency, which results in the establishment of two yearly meetings of the same society, professing the same faith which was always professed by Friends, and adhering to the same discipline, and meeting in the same city, that schism works a forfeiture of their rights. Yet such is the conclusion of the learned judge. In the present instance the yearly meeting consisted, not of the citizens of New Jersey, (for if it had, there would have been a large majority in favour of Friends ;) the acts of those foreigners produced division in the society, and a separation, and that which the yearly meeting could not do when the united body had assembled, was done by the high handed and tyrannical measures of a reckless minority. And we are to bear all the evil consequences attendant on their conduct ; for such appears to me the result of the

position taken by the judge. His argument seems to me to assume, that it is of no importance what causes led to the separation; it is only requisite to show that we do not meet at the time and place of the former yearly meeting, and our fate is sealed. The causes of dissent, or the rights of the majority, are not to be thrown at all into the balance. These positions, thus assumed, will never, I think, receive the sanction of this honourable court. Let us trace out the consequences of these positions.

In one monthly meeting in New Jersey, it appears by the evidence, that there were only seven attached to the Orthodox party. The overwhelming majority of the meeting were attached to Friends. A petition was presented, purporting to be signed by those seven, to lay down the monthly meeting to which they belonged, and to be attached to another meeting: one of the seven was deaf, and another was merely an infant; yet it appears that all joined in the signing the petition. This was effected under the potency of the yearly meeting of Philadelphia, and the visiting committee appointed at the yearly meeting of 1827. This is only one of the effects of the principle which you are now called upon to sustain or reject.

But I proceed. The principle, that the time and place of meeting is essential to test the validity of meeting, must be either right or wrong, for it is scarcely so elastic as to work both ways. Look at the nature of these divisions. In one case, in the evidence of the proceedings in New Jersey, a *clerk* is vested with every thing but omnipotence: he makes meetings obey his will; and then, just when it suits its purposes or pleasure, he walks away, followed by the Orthodox party, who go where they list without adjournment. In another case, you find a clerk already at his post, when he is asked, not whether he has been appointed or not, but whether he belongs or not to the Arch street meeting. Upon receiving an answer, the Orthodox retreat, without clerk or adjournment, and assemble at another time and place than that to which the meeting was last adjourned. In one case, time and place are all important considerations; in another, they are matters of no moment.

Was this division in the Chesterfield preparative meeting occasioned on account of doctrine or of discipline? The evidence proves it was in respect to a matter of discipline. There were certain members present at the monthly meeting of Chesterfield, who declared their determination not to stay whilst members belonging to the Green street meeting in Philadelphia should remain; and because they asserted the right of Friends, and refused to acknowledge the validity of the act of usurpation committed in Philadelphia, in laying down Green street monthly meeting, without their consent, the Orthodox party got up and walked away with their clerk. This was in the ninth month of the year 1827. It was because Henry M. Zollickoffer, who was a member of Green street monthly meeting, was admitted to enjoy the rights of membership secured to him by

the discipline. There were also two other meetings in 1828, where similar scenes were acted.

The separation in the Chesterfield preparative meeting, arose upon a question of discipline. It was the act of the Orthodox, who left the great body of the society, meeting at the regular time and place of adjournment, with the regular clerk at his post; they had acted up to this period, under the influence, not of wisdom, but of passion, and with a view to show the extent of the power which they were willing to arrogate to themselves. But they had grown wiser and more cautious. Having probably taken counsel, they met as usual, at the stated time and place of meeting, and appeared to go on in harmony, until they all at once discovered that Henry M. Zollicköffer was present. They then asked the clerk if he submitted to the authority of the Arch street yearly meeting or not, and he replied that he did not. They walked out and established a new meeting of their own.

Thus my clients were, by the separation of the Orthodox party, in leaving them, and setting up a new meeting within the limits of the existing Chesterfield preparative, held at a different time and place, subjected to a forfeiture of their rights..

This is the short history of the cause and manner of separation in the Chesterfield preparative meeting, to which this fund in controversy belongs. The true question to be decided by the court in this case, I humbly submit to be, is, whether my clients are the true Chesterfield preparative meeting, to whom the charge of this fund was committed; and if so, whether they are fulfilling the objects of the trust? If they are, we cannot be dispossessed of it; nor can the yearly meeting at Philadelphia interfere in its management or control. It did not set up this preparative meeting, nor can they lay it down; and we must remain, as to our rights of property, which was not made to depend on connexion with any particular yearly meeting, unaffected by the dissensions in a foreign society. No act has been committed by my clients, which could by any possibility take from us our rights of property or fellowship with the society. My clients have never been disowned as members, nor has their meeting been attempted to be laid down. If then, they are members of the society of Friends, *de facto*, can such consequences be thus indirectly brought upon them by the acts of others. It is, I respectfully insist, unsupported by law, and repugnant to justice. The principle, so unjust, which induces a forfeiture of property, by the acts of those over whom my clients had no control, will, I trust, never receive the sanction of this honourable court. In separations, occasioned by unhappy dissensions, where both parties profess to entertain the same faith and discipline as formerly held before the separation, I submit that the court will not take from the majority the possession of a fund designed for local purposes, and for education.

How can this court decide the question which is right and which is wrong in such a case. A great majority honestly believe, that

they are supporting and upholding the doctrines and discipline of ancient Friends. Has this court inquisitorial power? Will they assume it? The venerable Chief Justice Tilghman, in 2 Sergeant & Rawle, 543, says, "that every church has its discipline, but it is confined to spiritual affairs. It operates on the mind and conscience, without pretending to temporal authority." In such disputes, the true, just, and lawful test, is to award the property to the majority. This fund was designed either for all, or for the major part: if not for the former, then for the latter; and if it became necessary or expedient for the Orthodox to separate themselves from us, on questions of discipline, let them take the consequences of their own act. This principle of the majority is congenial with our republican institutions—is sustained by the law in analogous cases, and will in this case carry into effect the objects of the trust. The discipline of this society regards only unity, and inculcates it in every act. It is the corner-stone of their faith. Unity cannot be obtained. Shall the minority govern? Surely in the absence of a rule prescribed by the discipline of the society, we must take the rule of law. This is the rule of natural and municipal law. 2 Locke on Civil Gov. 254, Grotius, l. 2. ch. 5. sec. 14, 15, 16, 17. Puffendorf, book 7. ch. 2. sec. 15. 2 Rutherford's Institutes, p. 1—18. 2 Kent's Com. 236, 498. 1 Black. 478. 1 Woodeson, 498-9. Cow. 250, 536. 5 Coke, 66. Hardress, 49. 7 Sergeant & Rawle, 517, 460. 6 Sergeant & Rawle, 170, 506. 3 Vesey & Beames, 155. Yates, in *Com. v. Eberle*, 170.

A majority of the parishioners, with but a minority of the church members, may elect a minister who preaches new doctrines, unitarian instead of trinitarian, and recover the property.

In 3 Paige's Reports, 296, Chancellor Walworth decided, that the legal tribunals of the state have no jurisdiction over the church, or the members thereof as such, and the ecclesiastical tribunals of the church are not authorized to interfere with the temporalities of a religious society or congregation.

"I confess," says that learned jurist, "that I have always entertained serious doubts, whether any civil tribunal in this state, could interfere to prevent the majority of the corporation in a religious society from introducing such changes in the doctrines or modes of worship in their churches, which they might deem expedient, and which they could introduce through their trustees, elected in the manner prescribed by law." "I am unwilling, as a civil judge, to decide upon the correctness of the religious tenets of others, either in matters of faith or otherwise. Neither am I prepared to say, that it would be right or expedient to adopt Lord Eldon's principle here, where all religions are not only tolerated, but are entitled to equal protection, by the principles of the constitution. Upon Lord Eldon's principle, a society of infidels, who had erected a temple to the goddess of reason, could not upon the conversion of nine-tenths of the society to Christianity, be permitted to hear the word of life in that place

where infidelity and error had once been taught." And upon the same principle, the newly created equity jurisdiction in a neighboring state might find itself constrained to order some of the parishes within its limits to employ religious teachers who should inculcate the doctrine of witchcraft, as it was taught in their churches at the time of their first organization. If courts are unwilling to go to those lengths they must abandon the principle, or assume the responsibility of deciding for the consciences of others, what are the essential differences of opinion in matters of faith, as well as practice. And if a majority of a society of baptists, presbyterians, or methodists, desire to change their opinions in matters of faith or practice, have they not an equal right to do so? I think the learned counsel will scarcely be able to produce any contrary decision in the country under the authority of which such chains as these are to be placed on the hearts and consciences of men? We are not to adopt here those principles established by English jurists. There church and state are closely united in bonds which have hitherto been considered almost indissoluble; and where the principles of their institutions as well as the policy of the government alike demand that they should take cognizance of matters of faith and practice.

But are we to adopt such a rule as our guide, where we have prostrated that bond of connection, and where church and state are separated by constitutional provisions? And there is another difference between our own institutions and those of Great Britain. Here all rights proceed from the people. There they have the usages and precedents established by power from time to time, curtail the rights of the people; and all these things are to be taken into consideration. I pay but little attention to the decisions of British courts of judicature in cases of this kind. They are behind the age, and fettered by their state policy. Here is a great difference: we have no statute expressly giving the court jurisdiction in such cases; our institutions are dissimilar; and it appears to me, to be the plain duty of our courts to make their decision harmonious with the liberal and enlightened provisions of our constitution and laws on the subject of religious freedom. But it is said by C. Ewing, page 27, that the constitution of the society makes no provision for a vote, or a decision on the principle of numbers, in any instance or predicament. It is true that the discipline makes no such provision, for the plain reason, that it looks to the union which is produced by the overshadowing influence of the great head of the church. But where strife and contention enter, that influence can hardly be said to prevail. This is the case here. The question that meets us, in such case may the clerk record the sense of a minority, however respectable or weighty, as the sense of the meeting? If such usage is established. On the contrary, he is the servant of the meeting, to gather its sense. If he substitutes his own views in opposition to the sense of the meeting, cannot this fraudulent or mistaken act be corrected? There is nothing in the discipline which

authorises the meeting to invest him with such high responsibility. But they say it is a usage amongst them; the same, I presume, that gives to the king his prerogative. Time, it would appear, has worn away the rights of the members themselves, and they are attached by a sort of alluvial right to the clerk of their appointment. But this is a false position; there can be no usage which shall overturn or render ineffectual a plain, and recognized, and well-established principle. The discipline is in the nature of a constitution, and it is not to be departed from, nor slighted. It would be a usage directly contrary to usage; the society do act on the principle of majority—the principle is recognized by their committees, and prevails in matters of property—and the very yearly meeting in Philadelphia is fixed there by the vote of a majority. We all know that in regard to the seal of a corporation, where the seal is put to a document, it is *prima facie* evidence of the act of the corporation; but you are entitled to inquire by what authority the party affixed that seal? 1 Vesey & Beames, 244; 6 Serg. & Rawle, 12. And I ask, is a clerk to preside and domineer over a meeting, whose mere appointed servant he is? Is the inferior to become the governor? It is a position too monstrous to be adopted in a court of justice.

I think I have shown, that in point of law and of fact, Decow and his party are the true society of Friends, that they are entitled to all the rights, benefits, and advantages which they can claim in that capacity; and that the other part of the society, having departed from their original faith and established a new one, are no longer to be looked upon as a portion of that body. I am, nevertheless, instructed to say that it never was the desire of my clients to avail ourselves of the vantage-ground which such dereliction might authorize them to claim, nor to bring upon them those heavy exactions and forfeitures which they have so endeavoured to heap upon us. We wish to act upon that same principle by which they who created the fund have always been guided. You will find it stated in the testimony, that at one period of time, an application was made by some of the preparative meeting at Chesterfield, to have the fund divided among the Chesterfield preparative meeting, and the other preparatives subsequently created out of it. The court will remember the evidence of Samuel Craft in relation to this fact, and the ministers of this preparative meeting. The monthly meeting declared that they had no power to carry the proposition into effect; but the preparative meeting itself took up the matter for investigation. They found that members who had contributed to that fund had become attached to other preparative meetings; they therefore decided that the money which had been so contributed by them ought to be refunded, and they accordingly did refund it. This shows the principle of right and equity which governed the acts of that meeting; and exhibits to us how well they act up to that merciful provision which they professed to cherish as the guide of all their actions, "Do unto others as you would that others should do unto you."

Here, then, is the standard by which my clients are willing to be governed. They have disclaimed, by their answer, and in the presence of this high and honourable tribunal, they do, through me as their advocate, once again disclaim, that they have allowed any of the alloying influences of self, or of pecuniary interest, to operate upon them in the course they have adopted. They have endeavoured sedulously to free themselves from the imputation that they are struggling about property, or that property alone is the object of this appeal. They now again disavow so low and abject a motive. Whatever may have been the mistakes of their brethren who have for so long a period assembled at the same altar and bowed to the same God, the *Friends* for whom I appear, are willing to consider those mistakes as originating simply in an honest difference of opinion; and are desirous so to accommodate that difference now in such a manner that its decision shall not deprive the poor orphans or destitute child, whose comfort and protection in life were contemplated in its creation, of the benefits and blessings which it was so well calculated to bestow upon them. All we regret is, that the Orthodox party have not exhibited a similar spirit of conciliation and benignity; for if they had done so, the great, the fundamental and thrice blessed principles of this society would have stood triumphant, notwithstanding the danger and destruction which might for a season have appeared to threaten them. The beautiful and all-pervading influences of universal peace would still have shed their kindly blessings upon them; and wounds which are now daily becoming, and for some period at least must continue to become, more deep, acute, and painful, would long ere this have been healed.

But I repeat that we have no desire to drive matters to extremity: we do not claim the whole of this fund, although we insist that on legal principles we have a right to do so. We are willing that our cause should be decided on the principles which I have laid down respecting corporations, as applicable to this instance; we are willing to go on the great principle of the law of nations, that when two members of a state separate, each shall take its original property, or hold in proportion to their numbers. And the court are at liberty to act on this principle because we have claimed no more. In this case, although your honours might not take upon yourselves to determine either the right or wrong of the forfeiture which is claimed, yet, as the controversy here pending respects a sum of two thousand dollars, and the whole is but a little over four thousand, there can be no difficulty in awarding to us, as our fair proportion, the sum which is at issue in these pleadings. It would still leave them in the possession of more than their share of the whole trust fund belonging to the Chesterfield preparative meeting. Such a simple reversal of the decree and dismissal of the bill would reach the justice of the case.

I feel that I have trespassed long on the time and attention of this honorable court: and I feel grateful for the indulgent patience and

attention which I have received during the whole progress of my retracted argument. I have now come to a termination; not because I have presented all the views of which this important question is capable, and which I was prepared to present for the investigation and consideration of the court; but so much time has been consumed in the reading of books and papers essentially requisite to be produced, that I cannot with propriety seek any further indulgence at your hands.

Friday afternoon.

Mr. Wood opened in behalf of the defendant.

I fully concur with the counsel on the other side, in the opinion expressed of the great importance of this subject. I certainly consider it one of the most important that could engage the attention of this court. It involves the consideration and adjustment of the legal principles which must regulate the religious institutions of the state. These institutions, whether methodist, baptist, presbyterian, or episcopalian, are coeval with the existence of your government. They have been the hand-maids of that government in the maintenance of its laws, by promoting religion and morality, the basis of all other law; and they have dispensed their blessings in various other forms to society. In settling the principle on which these religious institutions are to be regulated, it will be necessary for us to examine them with great caution, and in the application of them, to pay minute attention to the circumstances of the present case; because most important consequences are involved in your decision.

From the time this case was ripe for hearing in the court below, I never entertained a doubt of the result. Whether the chancellor depended on his own judgment, or called to his assistance the justices of the supreme court, or some of his masters, tolerably acquainted with the principles of equity law, I was perfectly aware that that court would have no difficulty in arriving at a safe conclusion. Can there be any doubt here? The learned counsel has referred to Hazard's Ecclesiastical Reports, where, according to his views of the case there reported, this principle is laid down, namely, that the court of Parliament, in deciding upon cases, acts in a legislative as well as judicial capacity. He wished this principle applied and acted upon here. This I consider a dangerous heresy in the administration of justice. It would launch us at once on the ocean of uncertainty. It would give this court a dispensing power, like that claimed by the Stuart's, to trample on the laws and constitution, and administer justice as their discretion, or rather as their fancy might dictate. That is not the principle which regulates the appellate courts of this country. It is not the principle upon which the jurisprudence of that country is administered. The British Parliament, when sitting as a *court*, feels itself bound in its adjudication

by the laws and constitution of England. The members of the court may satisfy themselves on this point, by referring to reports of their proceedings; for instance to Brown's Parliamentary Cases, or Dow's Cases in Parliament, where you will find them adhering strictly to ancient usages and precedents.

The case referred to by the learned counsel was of a different nature. It was a case of divorce. In these cases Parliament exercises strictly judicial power, either original or appellate. In all proceedings in matters of divorces, the subject comes before the court of delegates in the last resort. The king has a discretionary power to direct a commission of review, which, when granted, constitutes the appellate court in the last resort in ecclesiastical causes.

When application for a divorce is made to the House of Lords, the proceeding is partly of a judicial and partly of a legislative character. They take pains to investigate the facts of the case, and if satisfied with the evidence, they pass a bill of divorce which requires the concurrence of the House of Commons to become a law. Such, no doubt, was the proceeding referred to by Lord Stowell in the case cited by the counsel.

Blackstone, in the 3d volume of his Commentaries, page 268, shows what is the judicial power of the House of Lords. When an appeal comes before them, they summon to their aid the judges of Westminster. They then take up the case, and give it the consideration its nature demands. It is not by reference to their own ideas of right and wrong, that disputes of this kind are decided; but by reference to established laws. The property of the kingdom, as is stated by the learned author just quoted, depends on the decision of the House of Lords. And the property of Jersey is dependant on your decision in the last resort.

I must enter a protest against the principle laid down by the opposite counsel. Must we be told, at this day, that this court is not right, in controversies between man and man, or if you please between society and society, to dispense with the established principles of law, and decide according to its own abstract notions of right and wrong? To seek for right and wrong without reference to any standard, is to pursue an *ignis fatuus*. It is not even a principle. It is the arbitration principle, the operation of which has been such that it has become proverbial among the people, that if two men should walk out together, and one of them happen to drop his coat down, and the other should choose to claim it, and the arbitrators be appointed to determine to whom it belonged, the probability is that they would order it to be *divided* between the claimants.

I beg leave to call the recollection of the court to the circumstances under which this decision was made in the court of chancery. It was a season of pestilence: the greatest scourge that ever afflicted the earth. A deep gloom overspread the land. That distinguished judge to whom the case was submitted, may be said to have sealed the decision with his blood. It was the last judicial act of his

Why did the news of his death spread a deeper gloom over the state of New Jersey? Was it simply for the loss of a distinguished individual? On what did the conviction that the public had sustained such a loss rest? On the tact of that judge, think you, to decide controversies upon his own notions of right and wrong; or on the result of his deep research, his untiring industry, his thorough acquaintance with the laws of the land, and his ability to apply them aptly to the cases brought before him? But wherein is the advantage to the community of having such a judge, if, in the last resort, cases are to be decided on vague notions of right and wrong, without reference to established legal principles?

The learned counsel has said he put little reliance on the common law. Herein he differs from a judge whose memory will always be revered in New Jersey—I mean Judge Pennington.

[Here Mr. Wood read an extract from the preface to Judge Pennington's Treatise on Small Causes, and another passage commencing on page thirteen of the same author.]

I do trust, that in your decision upon this subject, which appeals to the noblest ~~propensities~~ of our nature, and applies itself to the dearest interests man can enjoy, this court will not act on this delusive idea. We must have settled principles of property. Such principles must govern here, as well as in other tribunals. If the rules of property are sported with here, they will soon be sported with by your inferior tribunals, and finally be sported with by your citizens at large.

The decision you make now, will have its effect when you are in your graves. You are to settle principles which will apply to a multitude of cases. If you affirm the decision of the court below, you ratify the principles established in that court, and applied to the case. If you reverse that decision, you of course overturn those principles, and you determine that they are not hereafter to regulate the religious institutions of your state.

Here it will be proper to present to your view, the precise state of the case. It was originally, a suit instituted in chancery to foreclose a bond and mortgage, brought by Joseph Hendrickson, against the obligor, Thomas L. Shotwell. Hendrickson acquired this property as treasurer of a fund, which the society of Friends, at Crosswicks, holds in trust for the education of the children of indigent members of that preparative meeting.

The question has been asked, why was this suit brought? The answer is, because the defendant refused to pay the amount due. I do not blame him for this refusal. He has taken the proper course, under the circumstances in which he found himself. The course of Mr. Hendrickson has been equally proper. He was treasurer of the school fund of the preparative meeting at Crosswicks. There had been a division in the society. Two societies had in fact been formed. The defendant refused to pay to either, till it should be legally determined which society was entitled to receive it. If Joseph Hendrickson had suffered this sum to remain unpaid, and the inte-

rest to accumulate till it exceeded the value of the property pledged for its payment, he would have rendered himself personally liable.

The defendant to this original suit, next files a bill of interpleader, by which he brings another party before the court, namely, Stacy Decow. Thomas L. Shotwell, the obligor, claiming to be treasurer, calls on these two parties each to interplead, in order to show to whom the money belongs.

On what law does Thomas L. Shotwell, claim to exhibit this bill of interpleader, in order to settle this property, or on what law does Stacy Decow, as successor to Joseph Hendrickson, claim under this interpleading suit, to recover in equity the amount due upon this mortgage? This is a *legal* claim—a claim on bond and mortgage. The mere fact of Hendrickson filing a bill in chancery does not alter the nature and character of his title. He goes into chancery merely to get rid of the equity of redemption. Hendrickson had a right, as holder of the bond, to claim the amount in a court of justice. If he had died, his personal representatives, and not his successor in office, could have recovered it. Because, it is a settled principle, that where there is no corporation the claim of a successor cannot be recognized. I refer to 4th Bosanquet & Puller's Reports, p. 34, in proof of this proposition. It is only in cases of bonds and mortgages given to corporations or *quasi* corporations, that the claims of successors are acknowledged by law.

The ground on which Stacy Decow tries to recover is, that there is a religious meeting of the society of Friends entitled to that money in a court of equity, and that he has been by that meeting appointed treasurer of the school fund, as successor to Joseph Hendrickson. I refer to his answer, contained in p. 49 of vol. 1 of the Depositions, for what he says on this head: "And this defendant insists, that he always has continued, since his said appointment, and now is, the lawful treasurer of the said school fund: and, as the successor of the said Joseph Hendrickson, is lawfully entitled to have and receive all such bonds, obligations, and mortgages, and the moneys due thereon, as had been taken for the loan of any part of said fund in his name, as treasurer of the said school fund, or payable to him, as such treasurer, or his successor."

Here the claim set up by Stacy Decow is, that there is a preparative meeting at Crosswicks, authorized to appoint a treasurer of the school fund, as successor to Joseph Hendrickson, and that he, Stacy Decow, having been so appointed, has a right to claim the amount of the bond and mortgage.

To establish this claim of Stacy Decow, two things must be made out. First, he must prove that this preparative meeting which appointed him such successor, is the true preparative meeting. And next, that its existence is of such a character as to entitle it to appoint a successor to the treasurer of the school fund, whose claim, under this bond and mortgage, will be recognized by the court. The burden of proof of both these positions, rests on Stacy Decow.

Allow me to call the attention of the court to this part of the subject; because the learned counsel on the opposite side has dwelt on it some length. He said that Stacy Decow was under no necessity to prove anything; because he was a defendant in the cause.

The counsel here lost sight of the true position of his client in this cause. He does not ~~defend~~ himself in the character of a defendant, but he comes here as a claimant in an interpleading suit. He seeks not to *defend* himself, but to *establish* certain rights.

If the gentleman will read the order by which the parties interpleaded, he will find that both parties make up their plea on this point. In 1st Cowen's Reports, p. 703, the principle is laid down in regard to the bill of interpleader; that, "it claims no right in opposition to those claimed by the persons against whom the bill is exhibited, but only prays the decree of the court to decide between the rights of those persons for the safety of the complainant."

In *Dungers v. Angove*, 2d Vesey's Chancery Reports, p. 310, the same principle is laid, by the lord chancellor, thus: "A bill of interpleader is, where two persons claim of a third the same debt, or the same duty. The bill never suggests a case."

In point of fact, Thomas L. Shotwell is the defendant. The others are the interpleading claimants, and must establish their rights before they can recover the money. This is the view of the subject taken by chief justice Ewing, as well as by justice Drake.

The counsel on the other side has referred to a memorandum in the records of the preparative meeting, in which it is stated that certain persons who had removed out of the bounds of that meeting, had, on application, received back the money they had contributed to the school fund. If they did, they had no right to demand it. When a person advances money to a church or charitable institution, he has no claim to that money.

In a case in Massachusetts, similar to the present, the court remarked, that the determination of the question to whom the property belonged, depended on the identity of the church.

There is not a man in New Jersey, who believes that when he advances funds to a church, he has a right to have his money returned. There is a right in individuals to recover property bestowed as there has been, that right cannot be determined in this suit. Any individual having such a right, must bring his action in his individual capacity. Stacy Decow comes here as treasurer of the school fund. He claims the money on the ground that he has been appointed to that office by the true preparative meeting.

That fact is denied by us, and thus we come back to the original question, "which is the true preparative meeting?"

The learned counsel has referred to 3d Vesey & Beames, p. 188, for the purpose of showing that the members of a religious society, in certain cases, be regarded as a partnership. To say nothing more on that head at present, it is sufficient to observe that, in that case it was maintained that a partnership existed. It was not pro-

erty held by a religious society, nor was it considered by the court to be a case of charitable use: but Stacy Decow claims here as the representative of a body.

Now a preparative meeting is a body which acts in a collective capacity: and it is important to inquire what is the law under which they or their officer on their behalf, come here in a collective capacity, to claim this property.

The law on which their claim must rest, if it can be sustained at all, is the law of charitable uses, by which they, as well as every other religious institution in its collective capacity must sustain its title to recover property.

It is proper to call the attention of the court to the nature of the law on which this claim is founded, as on it, the right of property of all other religious societies must depend.

The case cited in 3d Vesey, was that of a benevolent society, which, as it was not incorporated, was decided to be a mere partnership. The judge decided that all he could do, was to dissolve the partnership, and declare that each individual should take back his own share. Now, apply this principle to religious societies in New Jersey: and it will apply, unless they are corporations, or *quasi* corporations, and protected in equity in their application to the pious trusts and purposes for which they were originally endowed and founded, and they will not last six months.

Enforce the principle, that the members of each religious society have a right to the property of the society in their individual capacity, and not one of these societies will last for six months. These pious and benevolent institutions, founded by the piety, the wisdom, and the labours of your forefathers, will be destroyed. The inquiry hereafter will be, not where are your religious societies: but what has become of them.

Your religious institutions do not, however, exist in this way: but in courts of equity they exist in their collective or corporate capacity, and subject to the purposes of their original endowments. I will refer you to the 33d lecture of Kent's Commentaries, where this doctrine of charitable uses is illustrated and explained. The law of charitable uses, was introduced into the Roman empire, with the establishment of christianity, and thence it spread through every country of Europe that derived light and aid from Roman jurisprudence.

When we consider that christianity was introduced into England at a very early period, and that at a very early period the Roman jurisprudence was also introduced, and became the basis of those codes of law which governed the court of chancery and the ecclesiastical courts, it would have been very extraordinary if the law of pious and charitable uses had not been introduced also at an early period, and had waited for the parliament of Great Britain to call it into action in the seventeenth century.

This was not the case. It became the law regulating charities in

gland long before the reign of Elizabeth, and was dispensed in court of chancery.

In 4th Reeves' History of the English Law, pages 80, 81, an enumeration is given of the cases to which the law of charitable uses applies.

In 4th Reeves, page 437, an abstract of the statute of Henry VIII, distinguishing between pious and superstitious uses.

It was in the reign of Elizabeth that the statute of charitable uses passed. I will not trouble the court with reading it at length. Suffice it to say, that after enumerating various abuses which had got into the administration of charitable institutions, it appoints commissioners to go through the various counties, and inquire into their nature and extent. It provides a new and summary remedy for the removal of such abuses as should be discovered.

This statute of charitable uses did not introduce a new principle. It did nothing else but recognize the right of beneficiaries to the proper use of their respective trust funds, and to apply a remedy in cases where those funds had been diverted from their legitimate purposes.

Doubts have been raised if this doctrine of charitable uses applied well in this country: but the better opinion is, that the statute of Elizabeth is merely declaratory of principles long before recognized. This is the opinion of chancellors Kent and Cowen.

In the case of *Inglis against the trustees of the Sailor's Snug Harbour*, 3 Peters' United States' Reports, page 119, the principle is laid down, that in the case of a devise for the support of aged, decrepid and worn out sailors, the court would carry into effect the trust against the lands in possession of the heir.

In the case of *the Attorney-General v. Person*, 3 Merivale 409, Lord Eldon observes, that a devise for the purpose clearly expressed of maintaining a society of protestant dissenters, would be enforced independently of the statute of charitable uses.

That was an information filed by the attorney-general. It was a case in which the whole body of trustees, backed by a large majority of the congregation, had perverted a trust fund from the support of trinitarianism to the support of anti-trinitarianism. The chancellor said the fund must be restored to its original uses, and said he would do it independently of the statute of charitable uses. Under other considerations, the case must have come under the principles mentioned in 3 Vesey & Beames. But it being an avowment of a charitable nature, it fell under those principles which have from the Roman law found their way into all the codes of Europe.

Sir Francis Moor, a distinguished and profound lawyer, was appointed by parliament to draft the statute of charitable uses. An account of this will be found in the preface to Duke on charitable uses. He afterwards wrote a treatise, containing a full and learned exposition of that statute, which is embodied in this work of Duke.

One would suppose, that if anybody knew the intention and object of the statute it would be the person who drew it up; and in pages 154, and 163, of this work, you find two cases stated, taken from this exposition of the statute by Sir Francis, in which the chancellor, in matters of charitable use, not embraced in the statute, decrees in support of the trust, in virtue of his general equity powers. These cases collected by this profound lawyer, the author of the statute, and whose mind had been bent to the investigation of the law relating to it, ought to be conclusive in regard to this interesting question.

The same principle was maintained and adopted by chancellor Williamson, in your court of chancery in the case of *Ryckman v. Room*, and he enforced and carried into effect a trust for the maintenance of the clergymen of a church, expressly on the ground of its being a charitable use, and under his general powers, a trust which otherwise could not have been enforced.

The same principle is adhered to in the statute of New Jersey for incorporating religious societies. It is not, in fact, the religious societies which are thereby incorporated; but the trustees. The religious societies exist under the doctrine of charitable uses brought over by our ancestors.

The religious institutions of New Jersey exist, in a court of equity, in a corporate capacity. Whenever they are abused it is the business of the court of chancery, and of this court on an appeal, to apply a remedy. Hence an information may be exhibited by the attorney-general on behalf of the government, in case of a division of trust funds devoted to pious or charitable purposes, to have them restored to their legitimate purposes according to the intention of the founders: and that was the object of the information in the case in 3 Merivale. In 2 Piere Williams, page 119, in the case of the countess of Shaftsbury, it is said, "In like manner, in the case of charity, the king, *pro bono publico*, has an *original right* to superintend the care thereof; so that abstracted from the statute of Elizabeth relating to charitable uses, and antecedent to it as well as since, it has been every-day's practice to file informations in chancery in the attorney-general's name for the establishment of charities."

If I am right in this view of the subject, we here see the ground, and the only ground on which Stacy Decow can come into this court and set up his claim in this interpleading suit, and several important consequences follow this view of the subject. In the first place, it will be found that the property now in dispute, belongs, if I may so express myself, to neither side—neither to the Hicksites nor to the Orthodox; but it belongs to that religious institution at Crosswicks, which started with the government of the country, and has ever since dispensed its benefits and its blessings to all the surrounding neighbourhood. The trustees have no right to the property of that religious society. The members have no right to it. That property was in existence when the oldest men now claiming to belong to this religious meeting were puling in their nurses' arms. They

have only a right to manage, use and enjoy it, so long as they remain members of the institution at Crosswicks to which it belongs.

It is no answer to this argument, to say that the trust fund in question, and perhaps a part of their other property, have been given at a comparatively late period. All the property, whenever acquired, becomes identified with the destinies of the institution.

This presents the question in a different light from that in which it was brought forward by the opposite counsel. He appears to think that the property belongs to the members; that a majority can take it, and do with it what they choose; that if they cannot agree, they may, like Abraham and Lot, in the passage of scripture which has been cited, and which is as remarkable for its beauty and simplicity as for the justness of the proposition advanced in it, depart, the one to the right and the other to the left, each party taking their respective share along with them. But that man does not take a correct view of the subject, who supposes that members of a religious society have a right in this way to part the property of the society among themselves. When property belongs to individuals, they have a right to divide it, and to separate like Abraham and Lot. They may exhibit a ~~title~~ ^{bill} in chancery for a partition; or, if the property is not susceptible of division, they may procure a decree for a sale, and divide the proceeds. But, suppose the members of a religious society should file a bill for a partition of their church property, what would your excellency on the wool-sack, whose special duty it is as chancellor to protect trusts, think of such a proceeding? This property belongs to the preparative meeting at Crosswicks, and not to the members in their individual capacity.

My clients set up no claim to the property. It does not belong to them. As a religious institution, it exists, in the language of Lord Hardwicke, *pro bono publico*. All that they have any claim to, is a right to use and enjoy the property according to the intent of the founders, and the import of the original trust. All that they claim, or that the other side can claim, is that they are members of the preparative meeting at Crosswicks.

In *Mann v. Ballet*, reported in 1 Vernon, 62, which was the case of a charity given for the benefit of a parish, to be dispensed in different ways, Lord Nottingham decreed, that no agreement of the parishioners, where several charities were given for several purposes, could alter them, or direct them to other uses.

The question then arises, which of the parties represent the true preparative meeting? To ascertain this, it will be necessary to trace the identity of the meeting, for it is now divided. And both cannot be the true preparative meeting. The meeting at Crosswicks was not established to promote religious sentiment or morality merely; but to promote them according to the principles and doctrines of the society of Friends. The public good was the object; and this was the particular way in which that public good was to be promoted.

Religious societies must have a particular organization, and must have tribunals to which their members are accountable. Being established for the worship of the Deity, they must have their peculiar views of the Deity and his attributes, and of the worship that is due to him. These furnish the criterion by which we are to ascertain the identity of the religious meeting. Are the fundamental doctrines of the claimants the same as they had at first? Have they essentially the same government as at the beginning?

Secondly, we must distinguish between the use and management of property by the trustees or members, while acting within the pale of their authority and jurisdiction, and the abuse of that authority, by violating the trust reposed in them. In the former case the majority may control where the majority principle prevails. But in the case of the abuse of the trust, it matters not whether the majority principle is adhered to, or whether age and experience are supposed to govern. Neither majority, nor minority, nor two-thirds, nor age, nor religious experience, have a right to abuse a trust. A court of equity will take cognizance of their actions, and afford redress if the trust is abused.

There is a wide difference between religious societies and joint stock companies. These have a right to break up and divide the property among themselves. But how would this answer in the case of religious societies? A man never buys the right of admission as a member to them. Where have you ever heard of an instance before, where the members of a religious society claimed the right to break up and divide the property among themselves? It is probable that not one of the present members of the presbyterian or episcopalian church, in this city, contributed one cent to the erection of the house of worship. They admit members from higher motives than mere pecuniary considerations. These churches have stood for ages.—They have their grave yards, in which are deposited the remains of their members, from generation to generation, as they successively pass to the tomb—while the churches live on, receiving new accessions to their stock of members. Their object is to teach them how to live, and to prepare them how to die. The members have a right to withdraw when they choose, but they have no right to carry away the property with them. If they do not like the doctrines taught there, or the mode of worship, or church government, they have a right to withdraw, but no right to say, “We will break up the church.” The principles for which I contend have the effect of uniting religious freedom, and religious protection. These principles are absolutely necessary for the preservation of your religious institutions. How are they established in this country? By private individuals. If a man, or a set of men, are inclined to dispose of their property charitably, they endow, for instance, an episcopalian church, or a methodist church. Would they endow either, if the money, thus devoted by them as their con-

nence dictates, may go to support another kind of faith than that they approve of?

The learned counsel has impeached the motive of my clients, in suing the original suit. It is *avarice*, he says, that actuates them. They are greedy for property. But, I reply, they seek no property. They are incurring great expense. They will acquire no property if they gain the suit. They are influenced by higher motives. They are devoting their time, their labour, their talents, and their purses, not to the acquisition of property for themselves, but to the nobler purpose of reclaiming these funds, and causing them to be devoted to the great and important religious trusts for which they were originally intended. I trust we shall be able to show that they hold the original doctrines and discipline of the society of Friends; and that the opposite party have violated both.

This I shall prove in the order taken up by the opposite counsel: first, in relation to doctrines; second, in relation to discipline.

As I proceed, it will appear that there is a radical difference of religious sentiment in the two parties: that this is the main cause of the division between them, and that in consequence of this difference in religious sentiment, the opposite party set up a new government, separately organized.

In the original bill, and in our answer to the bill of interpleader, we have shown the grounds on which Joseph Hendrickson claims the property. The court will discover that the doctrines therein set forth, are those on which the religious world has long been divided. They relate to the subject of the divinity of our Saviour, the atonement, or propitiation, and the inspiration of the scriptures.

It is alleged by my clients, that the opposite views have gradually spread, till they produced a division in the society. My object is to show that we maintain the doctrines of ancient Friends, and that the opposite party entertain unitarian or socinian doctrines.

It is not necessary for us to inquire whether the opposite party hold principles which we consider wrong in the abstract. All that is necessary is, to inquire whether they hold principles which have always been a ground of disownment in this society. The property must belong to the religious institution which existed before the controversy arose. All that the parties can claim, is, to use, manage and control the property for the time being. The legitimate inquiry, therefore, is not which party, as members, shall have power to manage this property, but which represents the true church.

It is here necessary to call the attention of the court to the doctrines, as stated in the pleadings. They will be found in page 30 of the 1st volume of Depositions.

“In the first place, although the society of Friends have seldom made use of the word trinity, yet they believe in the existence of the Father, the Son or Word, and the Holy Spirit. That the Son was God, and became flesh—that there is one God and Father, of

whom are all things—that there is one Lord Jesus Christ, by whom all things were made, who was glorified with the Father before the world began, who is God over all, blessed for ever—that there is one Holy Spirit, the promise of the Father and the Son, the leader, and sanctifier, and comforter of his people, and that these three are one, the Father, the Word, and Spirit—that the principal difference between the people called Quakers, and other protestant trinitarian sects, in regard to the doctrine of the trinity, is, that the latter attach the idea of individual personage to the three, as what they consider a fair logical inference from the doctrines expressly laid down in the holy scriptures. The people called Quakers, on the other hand, considering it a mystery beyond finite human conception, take up the doctrine as expressly laid down in the scripture, and have not considered themselves as warranted in making deductions, however specious.

“In the second place, the people called Quakers have always believed in the doctrine of the atonement: that the divine and human nature of Jesus Christ the Saviour were united; that thus united, he suffered, and that through his sufferings, death, and resurrection, he atoned for the sins of men. That the Son of God, in the fulness of time, took flesh, became perfect man, according to the flesh, descended and came of the seed of Abraham and David: that being with God from all eternity, being himself God, and also in time partaking of the nature of man, through him is the goodness and love of God conveyed to mankind; and that by him again man receiveth and partaketh of these mercies: that Christ took upon him the seed of Abraham, and his holy body and blood was an offering and a sacrifice for the sins of the whole world.

“In the third place, the people called the Quakers believe, that the scriptures are given by inspiration, and when rightly interpreted are unerring guides; and to use the language adopted by them, they are able to make wise unto salvation, through faith which is in Jesus Christ. They believe that the spirit still operates upon the souls of men, and when it does really and truly so operate, it furnishes the primary rule of faith. That the scriptures proceeding from it, must be secondary in reference to this primary source whence they proceed; but inasmuch as the dictates of the spirit are always true and uniform, all ideas and views which any person may entertain repugnant to the doctrines of the scriptures, which are unerring, must proceed from false lights. That such are the doctrines entertained and adopted by the ancient society of Friends, and that the same doctrines are still entertained by the Orthodox party aforesaid, to which party this defendant belongs. That these doctrines are with the said religious society fundamental, and any individual entertaining sentiments and opinions contrary to all or any of the above mentioned doctrines, is held not to be in the same faith with the society of Friends, or people called Quakers, and is treated accordingly.”

The court will observe, that though these three doctrines are stated

generally and distinctly, yet there is an inseparable connection between them. None who reject the divinity of the Saviour, can believe in the atonement; and those who reject these two doctrines, must likewise reject the plenary inspiration of the Scriptures. For these doctrines of the divinity of the Saviour, and of the atonement, are stated in the Scriptures in explicit terms, and therefore, to get rid of them, men must get rid of the inspiration of the Scriptures, and consider them the offspring of human invention and exertions. They must make them fallible like other writings.

Those who deny the one, deny the other. They are important doctrines in the christian system. The idea of a religious society being instituted without any reference to their doctrines, and without requiring a belief or disbelief in them, is altogether visionary.

These doctrines are, in the answer of Hendrickson, stated substantially in Scripture language: though not exactly in Scripture language, because, being stated in connexion, the diction must necessarily vary from the language of the New Testament, where they are stated in detached passages. The society of Friends use Scripture language: they do not object to the occasional use of other language.

They are opposed however to mere human inferences, and to adding, by the exercise of our reasoning faculties, to the ideas and doctrines clearly expressed and laid down in the Scriptures. They would not take one jot or one tittle from the sacred writings. They imitate their divine original. But it is nowhere said in the Scriptures that there are three *persons* in one God.

If any person draws the inference that the three that bear record in heaven are three persons, let him do so. The society of Friends do not think themselves warranted in drawing such inferences.

To show the views of Friends on this point, I refer to Penn's works, vol. ii. p. 783. The passage is in a work entitled, A Key, opening the way to distinguishing between the Quaker's religion and the perversions of it.

“Perversion 9th. The Quakers deny the trinity.

“Principle.—Nothing less. They believe in the holy three or unity of Father, Word, and Spirit, according to Scripture; and that these three are truly and properly one: of one nature as well as will. But they are very tender of quitting Scripture terms and phrases for schoolmen's; such as distinct and separate persons and subsistences, &c. are; from whence people are apt to entertain gross ideas and notions of the Father, Son, and Holy Ghost.”—Penn's Works, vol. ii. p. 783.—1692.

The learned counsel on the other side has been pleased to say, that the object of my clients in making such declarations of their belief, was to obtain the sympathy of other trinitarian sects. And he has referred to a passage in Adams' View of all Religions, wherein an extract is given from Chillingworth; in which it is stated that trinitarians believe in the idea of three persons in one God. It may be

questioned however, whether the author meant to attach much importance to the epithet *persons*.

I will refer the court to the toleration act, in which a line of distinction was drawn between socinians and unitarians. This act was passed in the reign of William and Mary, at a time when socinianism was gaining some ground in the kingdom. To enjoy the benefit of it, the different sects of christians were required to sign a declaration, which was regarded as a test of orthodoxy. Those coming in and subscribing this declaration under oath, were deemed to be trinitarians, as we learn from Smollet's history, vol. v. p. 14.

“The same indulgence was extended to anabaptists, and even to Quakers, on their solemn promise, before God, to be faithful to the king and queen, and their assenting by profession and asseveration to those articles which the others ratified upon oath. They were likewise required to profess their belief in the trinity and the Holy Scriptures.”

There were some difficulties at first in admitting the society of Friends to the benefit of this act, owing to their being required to take *an oath*: but these difficulties were removed in the next year, by an act dispensing with the oath in their favour, and allowing them to take a solemn affirmation, after which they came in, and enjoyed the benefit of this toleration act, as a trinitarian society of christians.

The learned counsel has objected to the declaration of their faith as set forth in the answer of Hendrickson, as being a creed: and remarks that this has always been reprobated by the society of Friends, that they have always objected to creeds.

Is there one word about creeds in this declaration of their faith? Do they call it a creed? Is it anything more than a plain, simple statement of their view of the religious faith of Friends? What is a creed? An invidious term, I admit, if applied as it often is applied by theologians to formularies of faith, which men are required to receive and adopt, or submit to temporal penalties. In the sense in which the word creed is used by certain societies, particularly the Roman catholics, in former times, Friends have objected to the term: but not as signifying a mere declaration of faith.—Whenever creeds are objected to in the writings of ancient Friends, the word will be found to be used in this obnoxious sense, in which all christians in the present day will condemn it. The gentleman admits that Friends entertain a belief in certain fundamental principles—that they regard, for instance, the divine light within as a guide—and what is that but a creed? This declaration of their faith in the answer of Hendrickson, is of the same character; and all the objection to it on the ground of its being a creed is mere pretence, is mere evasion, in order to get rid of the subject.

Another objection of the learned counsel is, that this declaration of their faith is not in Scripture language. It is not necessary it should be. Do they themselves use Scripture language when speak-

ing of the divine light within ? This is but another pretence. There is not a sentence, however, in the statement of Joseph Hendrickson, referring to these three grand doctrines, which is not expressed substantially in Scripture language.

[Here the statement of Mr. Hendrickson was read, and Mr. D. Smith read a paper containing the following quotations from Scripture :]

There are three that bear record in heaven, the Father, the Word, and the Holy Ghost, and these three are one. 1 John v. 7.

Go ye, therefore, and teach all nations, baptizing them in the name of the Father, and of the Son, and of the Holy Ghost. Matt. xxviii. 19.

In the beginning was the Word, and the Word was with God, and the Word was God. John i. 1.

And the *Word was made flesh*, and dwelt among us, and we beheld his glory, the glory as of the only begotten of the Father, full of grace and truth. John i. 14.

To us there is but one God the Father, of whom are all things, and we are in him, and one Lord Jesus Christ, by whom are all things, and we by him. 1 Cor. viii. 6.

For by him *were* all things created. Col. i. 16.

Glorify thou me, with thine own self, with the glory which I had with thee before the world was. John xvii. 5.

Whose are the fathers, and of whom as concerning the flesh, Christ came, who is *over all* God, blessed for ever. Rom. ix. 5.

And I will pray the Father, and he shall give you another comforter, that he may abide with you for ever, even the Spirit of truth. John xiv. 16, 17. But when the Comforter is come, whom I will send unto you from the Father, even the Spirit of truth, which proceedeth from the Father, he shall testify of me. John xv. 26. Howbeit, when he, the Spirit of truth, is come, he will guide you into all truth : for he shall not speak of himself, but whatsoever he shall hear, *that* shall he speak, and he will show you things to come. He shall glorify me ; for he shall receive of mine, and show it unto you. John xvi. 13. 14.

But ye are washed, but ye are *sanctified*, but ye are justified, in the name of our Lord Jesus, and by the Spirit of our God. 1 Cor. vi. 11.

Fear not, for behold, I bring you good tidings of great joy, which shall come to all people ; for unto you is born this day, in the city of David, a Saviour, which is Christ the Lord. Luke ii. 10. 11.

Who being in the form of God, thought it not robbery to be equal with God ; but made himself of no reputation, and took upon him the form of a servant, and was made in the likeness of man, and being found in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross. Philip. ii. 6, 7, 8.

Whom God hath set forth to be a propitiation through faith in his

blood, to declare his righteousness, for the remission of sins that are past, through the forbearance of God; to declare I say at this time his righteousness; that he might be just and the justifier of him which believeth in Jesus. Rom. iii. 25, 26.

If when we were enemies we were reconciled to God by the death of his Son, much more being reconciled, we shall be saved by his life. And not only so, but we also joy in God through our Lord Jesus Christ, by whom we have now received the *atonement*. Rom. v. 10, 11.

For verily he took not on him the nature of angels, but he took on him the *seed of Abraham*, wherefore, in all things it behoved him to be made like unto his brethren; that he might be a merciful and faithful High Priest in things pertaining to God, to make reconciliation for the sins of the people. Heb. ii. 16, 17, 18.

For Christ also hath once suffered for sins, the just for the unjust, that he might bring us to God, being put to death in the flesh, but quickened by the Spirit. 1 Pet. iii. 18.

For there is one God, and one mediator between God and man, the man Christ Jesus, who gave himself a ransom for all, to be testified in due time. 1 Tim. ii. 5, 6.

From a child thou hast known the Holy Scriptures, which are able to make thee wise unto salvation through faith, which is in Christ Jesus. All Scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness; that the man of God may be perfect, thoroughly furnished unto all good works. 2 Tim. iii. 15, 16, 17.

I think—resumed Mr. Wood—that no person who will compare these quotations with the declarations made by Mr. Hendrickson, will ever make it an objection, that they are not expressed in Scripture language.

I am now to show that a written creed, using the term in its ordinary import as synonymous with belief, has actually been put forth by the society of Friends. In the 3d volume of the *Statutes at Large*, p. 424, is the Toleration Act, which it is unnecessary for me to read. Of this Toleration Act, as originally set forth, the Friends could not avail themselves; because of the oath it required them to take. Therefore, another act was passed, as I have already remarked, at the next session of parliament.

In 2d Sewel's History, page 447, will be found the declaration of faith which was set forth by the society of Friends on this occasion, and by them transmitted to parliament. Surely if ever a religious society could be expected to testify without reserve as to the nature of its doctrines, it would be when called upon by the government of the country to which they were indebted for protection in the enjoyment of civil and religious liberty.

In George Whitehead's "*Christian Progress*," page 634, is another account of this event:

“To prevent any such from being stumbled, or ensnared by some expressions in the aforesaid profession, or creed (which appeared unscriptural) in the said bill, we (instead thereof) did propose, and humbly offer, as our own real belief of the Deity of the Father, Son, and Holy Ghost, viz : I profess faith in God the Father, and in Jesus Christ, his eternal Son, the true God, and in the Holy Spirit, one God blessed for ever : and do acknowledge the Holy Scriptures of the Old and New Testament, to be given by divine inspiration.

“Which declaration John Vaughton and I delivered to Sir Thomas Mergis, who, with some others, were desirous we should give in such confession of our christian belief, that we might not lie under the unjust imputation of being no christians, nor thereby be deprived of the benefit of the intended law for our religious liberty. We were therefore of necessity put upon offering the said confession, it being so our known professed principle, sincerely to confess Christ the Son of the living God, his divinity, and as he is the eternal Word : and that the three which bear record in Heaven, the Father, the Word, and the Holy Ghost, are one : one divine being, one God, blessed for ever.”

Under that solemn declaration, based on which a second toleration was passed, they came into the enjoyment of certain rights, of which they had before been deprived ; and yet we find a branch of these professing christians coming into court, in our day, and refusing to declare whether or not they believe in doctrines which their fathers publicly professed.

An allusion has been made by the court to the Keithian controversy. When George Keith was expelled by the Philadelphia yearly meeting, he appealed to the great yearly meeting of London. The expulsion was confirmed. He then became a minister of the episcopal church ; and, as was natural in a person situated as he was, was very severe on Friends. This placed the society under the necessity of putting forth a new declaration of faith. It bears date in 1693, and will be found in 2d Sewel, between pages 499 and 511. I will not detain the court with reading the whole of this able document, but shall quote some of the most striking passages, viz. :

“We are, therefore, tenderly concerned for truth’s sake, in behalf of the said people, (as to the body of them, and for all of them who are sincere to God, and faithful to their christian principle and profession,) to use our just endeavours to remove the reproach, and all useless jealousies concerning us, touching those doctrines of christianity, or any of them pretended, or supposed, to be in question in the said division; in relation whereunto we do in the fear of God, and in simplicity and plainness of his truth received, solemnly and sincerely declare what our christian belief and profession has been, and still is, in respect to Jesus Christ the only begotten Son of God, his suffering, death, resurrection, glory, light, power, great day of judgment, &c.

“ We sincerely profess faith in God by his only begotten Son Jesus Christ, as being our light and life, our only way to the Father, also our only mediator and advocate with the Father.

“ That God created all things, he made the worlds, by his Jesus Christ, he being that powerful and living Word of God whom all things were made; and that the Father, the Word, Holy Spirit are one, in divine being inseparable; one true, living and eternal God, blessed for ever.

“ Yet that this Word, or Son of God, in the fulness of time, took flesh, became perfect man, according to the flesh, descended and came of the seed of Abraham and David, but was miraculously conceived by the Holy Ghost, and born of the Virgin Mary. And also further declared powerfully to be the Son of God, according to the spirit of sanctification, by the resurrection from the dead.

“ That in the Word, (or Son of God,) was life, and the same was the light of men; and that he was that true light which enlighten every man coming into the world; and therefore that men are to believe in the light, that they may become the children of the light. hereby we believe in Christ the Son of God, as he is the light and life within us; and wherein we must needs have sincere respect and honour to, and belief in, Christ, as in his own unapproachable and incomprehensible glory and fulness: as he is the fountain of life and light, and giver thereof unto us; Christ, as in himself, and as it being not divided. And that as man, Christ died for our sins, once again, and was received up into glory in the heavens. He hath in his dying for all, been that one great universal offering, and sacrifice for peace, atonement, and reconciliation between God and man and he is the propitiation not for our sins only, but for the sins of the whole world. We were reconciled by his death, but saved by his life.

“ That Jesus Christ, who sitteth at the right hand of the throne of the majesty in the heavens, yet he is our king, high-priest and prophet, in his church, a minister of the sanctuary, and of the true tabernacle which the Lord pitched, and not man. He is intercessor and advocate with the Father in heaven, and there appearing in the presence of God for us, being touched with the feeling of our infirmities, sufferings, and sorrows. And also by his spirit in our hearts he maketh intercession according to the will of God, crying, Alas, Father.

“ For any whom God hath gifted, and called sincerely to profess faith in the same Christ, both as within and without us, cannot but preach two Christs, but one and the same Lord Jesus Christ, having respect to those degrees of our spiritual knowledge of Christ Jesus in us, and to his own unspeakable fulness and glory, as in himself and his own entire being, wherein Christ himself and the least measure of his light or life, as in us or in mankind, are not divided nor separated.

ible, no more than the sun is from its light. And as he ascended
 & above all heavens, that he might fill all things, his fulness cannot
 be comprehended, or contained in any finite creature; but in some
 measure known and experienced in us, as we are capable to receive
 the same, as of his fulness we have received grace for grace. Christ
 our mediator, received the spirit, not by measure, but in fulness; but
 to every one of us is given grace, according to the measure of his
 gift.

“That the gospel of the grace of God should be preached in the
 name of the Father, Son, and Holy Ghost, being one in power, wis-
 dom and goodness, and indivisible, or not to be divided, in the great
 work of man’s salvation.

“We sincerely confess and believe in Jesus Christ, both as he is
 true God and perfect man, and that he is the author of our living
 faith in the power and goodness of God, as manifested in his Son
 Jesus Christ, and by his own blessed spirit, or divine unction, re-
 vealed in us, whereby we inwardly feel and taste of his goodness,
 life, and virtue; so as our souls live and prosper by and in him: and
 the inward sense of this divine power of Christ, and faith in the same,
 and this inward experience, is absolutely necessary to make a true,
 sincere, and perfect christian in spirit and life.

“That divine honour and worship is due to the Son of God; and
 that he is, in true faith to be prayed unto, and the name of the Lord
 Jesus Christ called upon, as the primitive christians did, because of
 the glorious union or oneness of the Father and the Son; and that we
 cannot acceptably offer up prayers and praises to God, nor receive a
 gracious answer or blessing from God, but in and through his dear
 Son Christ.

“That Christ’s body that was crucified was not the Godhead, yet
 the power of God was raised from the dead; and that the same
 Christ that was therein crucified, ascended into heaven and glory, is
 not questioned by us. His flesh saw no corruption, it did not corrupt;
 yet doubtless his body was changed into a more glorious and hea-
 venly condition than it was in when subject to divers sufferings on
 earth; but how and what manner of change it met withal after it was
 raised from the dead, so as to become such a glorious body, as it is
 declared to be, is too wonderful for mortals to conceive, apprehend,
 pry into, and more meet for angels to see: the Scripture is silent
 therein, as to the manner thereof, and we are not curious to inquire
 to dispute it; nor do we esteem it necessary to make ourselves wise
 above what is written, as to the manner or condition of Christ’s glo-
 rious body, as in heaven; no more than to inquire how Christ ap-
 peared in divers manners or forms; or how he came in among his
 disciples, the doors being shut; or how he vanished out of their sight
 after he was risen. However, we have cause to believe his body, as
 in heaven, is changed into a most glorious condition, far transcend-

ing what it was in on earth, otherwise how could our low body be changed, so as to be made like unto his glorious body; for when he was on earth, and attended with sufferings, he was said to be like unto us in all things, sin only excepted; which may not be so said of him as now in a state of glory, as he prayed for; otherwise where would be the change both in him and in us?

“ True and living faith in Christ Jesus the Son of the living God, has respect to his entire being and fulness, to him entirely as in himself, and as all power in heaven and earth is given unto him; and also an eye and respect to the same Son of God as inwardly making himself known to the soul, in every degree of his light, life, spirit, grace, and truth; and as he is both the word of faith, and a quickening spirit in us; whereby he is the immediate cause, author, object, and strength of our living faith in his name and power; and of the work of our salvation from sin and bondage of corruption: and the Son of God cannot be divided from the least or lowest appearance of his own divine light, or life in us or in mankind, no more than the sun from its own light; nor is the sufficiency of his light within by us set up in opposition to him the man Christ, or his fulness, considered as in himself, as without us; nor can any measure or degree of light, received from Christ, as such, be properly called the fulness of Christ, or Christ as in fulness, nor exclude him, so considered, from being our complete Saviour; for Christ himself to be our light, our life, and Saviour, is so consistent, that without this light we could not know life, nor him to save us from sin or deliver us from darkness, condemnation, or wrath to come: and where the least degree or measure of this light and life of Christ within is sincerely waited in, followed, and obeyed; there is a blessed increase of light and grace known and felt; as the path of the just it shines more and more, until the perfect day; and thereby a growing in grace, and in the knowledge of God, and of our Lord and Saviour Jesus Christ, hath been, and is truly experienced. And this light, life, or spirit of Christ within, (for they are one divine principle,) is sufficient to lead unto all truth; having in it the divers ministrations both of judgment and mercy, both of law and gospel, even that gospel which is preached in every intelligent creature under heaven: it does not only, as in its first ministration, manifest sin, and reprove and condemn for sin; but also excites and leads them that believe in it to true repentance; and thereupon to receive that mercy, pardon, and redemption in Christ Jesus, which he has obtained for mankind in those gospel terms of faith in his name, true repentance and conversion to Christ, thereby required.”

“ It is true, that we ought not to lay aside, nor any way to undervalue, but highly to esteem, true preaching and the Holy Scriptures; and the sincere belief and faith of Christ, as he died for our sins, and rose again for our justification; together with Christ’s inward and

piritual appearance, and work of grace in the soul ; livingly to open the mystery of his death, and perfectly to effect our reconciliation, sanctification, and justification; and wherever Christ qualifies and calls any to preach and demonstrate the mystery of his coming, death, and resurrection, &c. even among the gentiles, Christ ought accordingly to be both preached, believed, and received."

"And though we had the Holy Scriptures of the Old and New Testament, and a belief of Christ crucified and risen, &c. we never truly knew the mystery thereof, until we were turned to the light of his grace and spirit within us: we knew not what it was to be reconciled by his death, and saved by his life; or what it was to know the fellowship of his sufferings, the power of his resurrection, or to be made conformable unto his death, we knew not, until he opened our eyes, and turned our minds from darkness unto his own divine life and light within us.

"Notwithstanding, we do sincerely and greatly value the Holy Scriptures, preaching and teaching of faithful, divinely inspired, gifted and qualified persons and ministers of Jesus Christ, as being great outward helps, and instrumental in his hand, and by his spirit, for conversion, where God is pleased to afford those outward helps and means ; as that we neither do nor may oppose the sufficiency of the light or spirit of Christ within, to such outward helps or means, so as to reject, disesteem, or undervalue them; for they all proceed from the same light and spirit, and tend to turn men's minds thereunto, and all centre therein.

"Nor can the Holy Scriptures or true preaching without, be justly set in opposition to the light or spirit of God or Christ within; for his faithful messengers are ministers thereof, being sent to turn people to the same light and spirit in them. Acts xxvi. 18. Rom. xiii. 2. Cor. iv. 6. 1 Pet. ii. 9. 1 John ii. 8."

"1. For the doctrine of the resurrection; if in this life only we have hope in Christ, we are of all men the most miserable. 1 Cor. xv. 19. We sincerely believe, not only a resurrection in Christ from the fallen sinful state here, but a rising and ascending into glory with him hereafter; that when he at last appears, we may appear with him in glory. Col. iii. 4. 1 John iii. 2.

"But that all the wicked who live in rebellion against the light of grace; and die finally impenitent, shall come forth to the resurrection of condemnation.

"And that the soul or spirit of every man or woman shall be reserved in its own distinct and proper being, (so as there shall be as many souls in the world to come as in this,) and every seed, yea every soul, shall have its proper body, as God is pleased to give it. 1 Cor. xv. A natural body is sown, a spiritual body is raised ; that being first which is natural, and afterward that which is spiritual. And though it is said, this corruptible shall put on incorruption, and

this mortal shall put on immortality; the change shall be such as flesh and blood cannot inherit the kingdom of God, neither doth corruption inherit incorruption. 1 Cor. xv. We shall be raised out of all corruption and corruptibility, out of all mortality; and the children of God and of the resurrection, shall be equal to the angels of God in heaven.

“And as the celestial bodies do far excel terrestrial, so we expect our spiritual bodies in the resurrection, shall far excel what our bodies now are; and we hope that none can justly blame us for thus expecting better bodies than now they are. Howbeit, we esteem it very unnecessary to dispute or question how the dead are raised, or with what body they come: but rather submit that to the wisdom and pleasure of the Almighty God.

“2. For the doctrine of eternal judgment; God hath committed all judgment unto his Son Jesus Christ; and he is both judge of quick and dead, and of the states and ends of all mankind. John v. 22. 27. Acts x. 42. 2 Tim. iv. 1. 1 Pet. iv. 5.

“That there shall be hereafter a great harvest, which is the end of the world, a great day of judgment, and the judgment of that great day, the Holy Scripture is clear. Mat. xiii. 39, 40, 41. ch. x. 15, and xi. 24. Jude 6. When the Son of Man cometh in his glory, and all the holy angels with him, then shall he sit upon the throne of his glory, and before him shall be gathered all nations, &c. Mat. xxv. 31, 32, to the end, compared with ch. xxii. 31. Mark viii. 38. Luke ix. 26, and 1 Cor. xv. 52. 2 Thes. i. 7, 8, to the end, and 1 Thea. iv. 16. Rev. xx. 12, 13, 14, 15.

“That this blessed heavenly man, this Son of Man, who hath so deeply suffered and endured so many great indignities and persecutions from his adversaries, both to himself and his members and brethren, should at last, even in the last and great day, signally and manifestly appear in glory and triumph, attended with all his glorious heavenly host and retinue before all nations, before all his enemies, and those that have denied him; this will be to their great terror and amazement, that this most glorious heavenly man, and his brethren, that have been so much contemned and set at naught, should be thus exalted over their enemies and persecutors, in glory and triumph, is a righteous thing with God; and that they that suffer with him, should appear with him in glory and dignity when he thus appears at last. Christ was judge of the world, and the prince thereof, when on earth. John ix. 39, and xii. 31. He is still judge of the world, the wickedness, and prince thereof, by his light, spirit, and gospel in men's hearts and consciences. John xvi. 8. 11. Matt. xii. 20. Isa. xlii. 1. Rom. ii. 16. 1 Pet. iv. 6. And he will be the judge and final determiner thereof in that great day appointed; God having appointed a day wherein he will judge the world in righteousness by that man whom he hath ordained.”

Script relating to the doctrine of the Resurrection and eternal Judgment.

the last trump of God, and the voice of the archangel, the dead raised incorruptible, the dead in Christ shall rise first. 1 Cor. Thes. iv. 16, compared with Matt. xxiv. 31.

They are often alarmed in conscience here by the word and God, who stop their ears and slight those warnings, but the final alarm of the last trumpet, they cannot stop their ears or escape, it will unavoidably seize upon, and further awaken them to judgment. They that will not be alarmed in their consciences unto repentance, nor out of their sins here, must certainly be alarmed to judgment hereafter.

Whoever do now wilfully shut their eyes, hate, contemn, or despise the light of Christ, or his appearance within, shall at last be seen, and not be able to shun or hide themselves from his glorious and dreadful appearance from heaven with his mighty angels, with lightning and flaming fire, to render vengeance on all them that obey not God, and obey not the gospel of our Lord Jesus Christ. 1 Thes. iv. 16. Matt. xxiv. 27. Luke xvii. 24. Dan. x. 6. ii. 3.

Though many now evade and reject the inward convictions and reproofs of the light, and shut up the records or books thereof from their consciences, they shall be at last opened, and every one shall be brought to the light of those things recorded therein, according to their works. Rev. xii. 12, 13, 14, 15.

Witnessed in behalf of our christian profession and people aforesaid,

George Whitehead,

Charles Marshall,

Ambrose Rigge,

John Bowater,

William Fallowfield,

John Vaughton,

James Parke,

William Bingley."

A declaration of their faith, was again published by the yearly assembly of Philadelphia, in 1730, as is stated by Thomas Evans, in page 297 of the testimony.

A short declaration of their faith will be found in 2d Sewel,

It was in reply to Francis Bugg, who falsely charged the Quakers with being socinians, and was presented to the parliament by George Whitehead and others.

Since Francis Bugg, an envious apostate, charged the Quakers with some socinian notions; and being set on by some churchmen, he endeavoured also to render them odious with the government, by a false confession of faith, signed by one and thirty persons, of which G. Whitehead was one, was in December, presented to the parliament:

“Be it known to all, that we sincerely believe and confess,

“I. That Jesus of Nazareth, who was born of the virgin Mary, is the true Messiah, the very Christ, the Son of the living God, to whom all the prophets gave witness : and that we do highly value his death, sufferings, works, offices, and merits, for the redemption of mankind, together with his laws, doctrine, and ministry.

“II. That this very Christ of God, who is the lamb of God, that takes away the sins of the world, was slain, was dead, and is alive, and lives for ever in his divine, eternal glory, dominion, and power, with the Father.

“III. That the Holy Scriptures of the Old and New Testament, are of divine authority, as being given by inspiration of God.

“IV. And that magistracy or civil government is God’s ordinance, the good ends thereof being for the punishment of evil-doers, and praise of them that do well.”

This historian, whose work is recognized as authentic, by all the branches of this church, remarks that this declaration had its effect on the king and bishops. “By this,” says he, “and the like writings, the eyes of many that were at the helm began to be more opened; and even among the bishops were some that inclined to moderation; for the king endeavoured as much as he could to promote the most moderate among the churchmen to those high dignities; and prejudice, which had blinded many in respect to the Quakers, began to abate more and more.”

The court will observe, that although the authors of these declarations use substantially the language of Scripture, they do not restrict themselves to Scripture phrases. They confine themselves to Scripture sentiments, illustrating the remark of William Penn, that it was not their practice to draw human deductions from Scripture truths.

In 3d Adams’ Views of all Religions, on page 321, the following view is given of the sentiments of Friends :

“Distinguishing Tenets.—We agree with other professors of the christian name, in the belief of one eternal God, the Creator and Preserver of the universe; and in Jesus Christ his Son, the Messiah, and Mediator of the new covenant.

“When we speak of the gracious display of the love of God to mankind, in the miraculous conception, birth, life, miracles, death, resurrection, and ascension of our Saviour, we prefer the use of such terms as we find in Scripture; and contented with that knowledge which divine wisdom hath seen meet to reveal, we attempt not to explain those mysteries which remain under the veil; nevertheless we acknowledge and assert the divinity of Christ, who is the wisdom and power of God unto salvation.

“To Christ alone we give the title of the Word of God, and not to the Scriptures, although we highly esteem these sacred writings, in subordination to the Spirit from which they were given forth; and we hold, with the apostle Paul, that they are able to make wise unto salvation, through faith which is in Christ Jesus.”

It is perfectly manifest that they never take the liberty of construing the doctrines as the socinians construe them, but tell you they have in them.

In page 331 of this work, we have the testimony of Dr. Knox, a distinguished writer of the episcopal church.

In page 344, the charge that some have brought against them, of being deists, is confuted.

In page 344, notice is taken of the disownment of a number of persons in Ireland, for entertaining socinian or deistical sentiments.

(Court adjourned.)

*Saturday morning, August 3d. **

Mr. Wood resumed :

When the court adjourned last evening, I had finished quoting certain declarations of faith which were issued by the society of friends, and amongst them, one which was presented to the scrutiny of the parliament of Great Britain, in order that the society might receive certain important benefits from the government of that country, and under which they did receive them. It has been decided that these declarations have any bearing on the religious faith of the yearly meeting of Philadelphia; it is asserted, on the contrary, that that meeting, and the yearly meeting in London, are two separate bodies; that they were at that time two separate bodies; and that the opinions entertained by the yearly meeting in London of the great fundamental doctrines of the society, were entirely disconnected from those maintained by the yearly meeting at Philadelphia. The court must have been struck with the decided inconsistency of this argument, with another position taken by the counsel. If such an independence as this does in reality exist, then the yearly meeting of New York, upon the same principle, is independent of the yearly meeting at Philadelphia; and yet the learned counsel has contended that a minister of the gospel, residing within the limits of the yearly meeting of New York, and travelling into the precincts of the yearly meeting at Philadelphia, with a certificate from his own meeting in his possession, has an undisputed right to preach in the bounds of the yearly meeting at Philadelphia; and that even if he should be pleased there to preach doctrines that were unscriptural, the members composing that meeting could have no right of interference. Then he may go on to preach these doctrines, and they must wait for the New York monthly meeting to which he belongs, to call him to account, and to reprimand him for his conduct. This, truly, is an extraordinary proposition; and when the counsel tells us that such a species of connection does exist between the yearly meetings of Philadelphia and New York, and then immediately de-

nies that there is any connection between the yearly meetings of London and Philadelphia, and add's, that at that period such a declaration of faith and doctrine as that issued by the yearly meeting at London has no bearing upon the doctrines of the yearly meeting at Philadelphia, I think we shall find that he was considerably at variance with himself and his own grounds of reasoning.

At the time alluded to there was a peculiar connection subsisting between these two last mentioned meetings. The connection was not only that which exists through all the ramifications of this society ; but it is, to a certain extent, a subordination of the yearly meeting in Philadelphia to that holden in London. To this fact several witnesses have deposed affirmatively. Appeals were allowed, measures were recommended, advice was given, and in every important instance, where appeal took place, the opinion of that meeting was acquiesced in.

The counsel have referred to the case of the appeal of George Keith, and he has cited it to prove his position of a total disconnection between these two meetings. He says that the judgment which was given in that case, by the London meeting, was not obligatory on the Philadelphia body ; but that it was awarded by them only as a matter of courtesy and good feeling. Suppose we were to admit this ; it does but make the argument in our behalf more strong and conclusive. If, without obligation on their part, the yearly meeting of Philadelphia, considering the source from which they had sprung, viewing the yearly meeting of London as the great and primitive source from which they arose ; if, I say, under such circumstances, they voluntarily submitted to the decision there pronounced, it showed that they never lost sight of the great object of their association. It showed how anxious they were to be in accordance with that meeting on the great principles of faith and practice by which they had been brought together, and to manifest to mankind that the peculiar characteristics of their society had not been forgotten nor disregarded.

I would call the attention of the court to this circumstance. When we consider the connection that existed between the two yearly meetings, the habit which obtained in the Philadelphia meeting of submitting to the yearly meeting at London ; and the fact of the former having sprung out of the latter ; do you believe that when such a document was issued by the society at London, and which was borne to this country, so soon as the winds of heaven could waft it across the waters, the society here, if they had considered it an innovation, would afterwards tamely have submitted to its dictation, or even to its advice ? Do you, I ask, believe that if the society in this country was not in full and complete unity with that in London, in relation to this matter, the members of that society would not have had recourse to some means to show that the primary meeting had done an act which struck at the very vitals, and prostrated the true principles of their religion ? Would they not have entered

their protest against it? Without doubt they would have done so. Let you find that they continued in unity together; that the society had submitted to the appellate power and jurisdiction of the London meeting, till the dissolution of the connexion between them, two centuries afterwards, and that even still they are in the habit of carrying on an advisory correspondence. This state of things is together unaccountable upon the supposition, that the yearly meeting of Philadelphia did not implicitly adopt every sentiment contained in those declarations of faith, which were thus made and acted upon by the society of Friends in England. That it did implicitly adopt them is, however, in proof before you, in the 1st vol. of Evidence.

Persons who are acquainted with the religious societies of this country, well know that all those which derived their origin in Europe, voluntarily subjected themselves in a measure, to the control of the societies from which they sprung, in matters of doctrine, in seeking advice, and in matters connected with the organization of their government. The society of Friends adopted the same course in this country. It is not therefore surprising that Samuel Bettley, in p. 76, 1st vol. Depositions, in answer to the question, "Is an approval of a doctrinal work by the London meeting for sufferings, considered as equally authoritative by the society as such an approval by the Philadelphia meeting for sufferings?"

Answer. "They are of equal authority. In England those works would circulate as having the sanction of their yearly meeting: they would circulate among the society of Friends generally, they being no body, as an authentic work; but cases occur where there is a distinct recognition of the same work by other yearly meetings, and eminently so with respect to the work I have alluded to of Robert Barclay." The history containing this important doctrine has been repeatedly published in this country, and treated as an accredited historical work of the society of Friends.

But there are some other declarations of faith to which I would call the attention of the court. The first to which I shall refer is found in Evans' Exposition, a work of miscellaneous tracts, p. 40. It is extracted from a work written by George Fox in the year 1682, entitled "An Answer to all such as falsely say the Quakers are no Christians."

"We own the Father, the Son, and the Holy Ghost, as the apostles have declared.

"And it is the spirit that beareth witness, because the spirit is truth; for there are three that bear record in heaven, the Father, the Word and the Holy Ghost, and these three are one; and there are three which bear record in earth, &c. *which we own*, 1 John v. 6, 7. And now let none be offended because we do not call them by those unscriptural names of trinity, and three persons, which are not Scripture words; and so do falsely say that we deny the Father, the Word, and the Holy Ghost, which three are one that bear record in

heaven, &c. which three we own with all our hearts, as the apostle John did, and all true christians ever did, and now do ; and if you say we are not christians, because we do not call the Father, Son, and Holy Ghost, the trinity, distinct and separate persons, then you may as well conclude that John was no christian, who did not give the Father, Word, and Holy Ghost, these names.

“ We believe concerning God the Father, Son and Spirit, according to the testimony of the Holy Scripture, which we receive and embrace as the most authentic and perfect declaration of christian faith, being indited by the Holy Spirit of God, that never errs ; 1st, that there is one God and Father, of whom are all things ; 2dly, that there is one Lord Jesus Christ, by whom all things were made, John i. and xvii., and Rom. ix. who was glorified with the Father before the world began, who is God over all blessed for ever, John xiv. That there is one Holy Spirit, the promise of the Father and the Son, and leader, and sanctifier, and comforter of his people, 1 John v. And we further believe, as the Holy Scriptures soundly and sufficiently express, that these three are one, even the Father, the Word, and the Spirit.” p. 26, 27.—1682.

Again on p. 67, from the same work, viz.

“ And Christ hath purchased his church with his own blood, Acts xx. 28. ‘ And we give thanks unto the Father, which hath made us meet to be partakers of the inheritance of the saints in light, who hath delivered us from the power of darkness, and hath translated us into the kingdom of his dear Son, in whom we have redemption through his blood, that is the forgiveness of sins ; who is the image of the invisible God, the first begotten of every creature : for by him were all things created which are in heaven, and which are in earth, things visible and invisible, whether they be thrones, dominions, principalities, or powers, all things were created by him and for him ; and he is before all things ; and in him, and by him, all things consist ; and he is the head of the body, (the church,) who is the beginning, and the first begotten from the dead, that in all things he might have the pre-eminence ; for it pleased the Father that in him should all fulness dwell.’ Col. i. And many other Scriptures we might bring, which do prove that Christ is the head of the church.

“ And Christ saith, all power in heaven and in earth is given to me, Matt. xxviii. 18. And we know that the Son of God is come, and hath given us an understanding, that we may know him that is true, and we are in him that is true, even in his son Jesus Christ ; this is the true God, and eternal life, 1 John v. 20. And Christ and the apostles in their days, did not set up one man to be pope (nor set a triple crown on his head) to be Christ’s vicar and vicegerent upon earth, nor set him above the apostles, &c. : but on the contrary, Christ said it was the gentiles that exercised lordship, and are called gracious lords ; but said Christ, he that will be the greatest among you, let him be servant unto all : not pope or lord over all, but servant unto all. And Christ gave the keys and power to others

his disciples, as well as Peter, to bind and loose, Matt. xviii. And so Christ prayed for all his disciples and followers, that he had given him, that he would keep them from the evil of the world; and not only for Peter, as may be seen in John xvii. 9. I we own the Father, the Son, and the Holy Ghost, as the apostles have declared.

When the fulness of time was come, God sent forth his Son, made of a woman, made under the law, that he might redeem them who were under the law, that we might receive the adoption of sons, Gal. iv. 4, 5. And by the grace of God, Christ tasted death for every man, Heb. ii. 9. And how that Christ died for our sins, according to the Scriptures; and that he was buried, and rose again, according to the Scriptures, 1 Cor. xv. 3, 4. For other foundation can no man lay than is laid, Jesus Christ, 1 Cor. iii. 11. And so we believe those things which God before hath showed by the mouth of all his prophets, that Christ should suffer; and he hath thus fulfilled it, and is risen from the dead, and is at the right hand of God, who is alive now, and lives for evermore; and will reward every man according to his deeds, and is the judge both of the quick and dead, and his voice now hear his voice, and follow him, as in the apostles' days, Rev. i. 18. Neither is there salvation in any other than in the name of Jesus; for there is none other name given under heaven among men, whereby we must be saved, Acts iv. 12. And without controversy, great is the mystery of godliness, God manifested in the flesh, justified in the spirit, seen of angels, preached unto the gentiles, believed on in the world, and received up into glory, 1 Tim. iii. 16.

And in the fulness of time, according to the promise of the Father, Christ was manifested in the flesh, and by the grace of God died for every man, as before; is risen, and ascended, and is now on the right hand of God in heaven, and is the only mediator between God and man; and that he exercises his prophetic, kingly, and priestly office now in his church, and also his offices as counsellor and leader, bishop, shepherd, and mediator: he (to wit) the Son of God, he exercises these offices in his household of faith, where we are, that are believers in the light, and by faith entered into Christ, the Word, by whom all things were made; and so are heirs of eternal life, being elected in him before the world began. And we do not matter if this Jewish spirit saith now of us, as he did formerly of the followers of Christ, that none but accursed people followed him, that knew not the law: and if you say as Nathaniel said, John i. 46, can there any good thing come out of Nazareth? we say with Philip, come and see."—Pages 26, 27, 28.—1682.

The next is found in Chandler's Apology for the people called Quakers, which was approved and published by the yearly meeting at Philadelphia, in the year 1718.

We therefore desire our well disposed neighbours candidly to enquire what we have to allege against the clamours of those, who to our shame, will not set us out to our best advantage; and to receive an

account from ourselves what we are, and what we believe and hold for christian truths ; who certainly must needs know better our own belief, than those who perhaps never examined it to any other end than to find fault, if ever they did it ; and also that you will not think it strange, that we express not our belief in some particulars, in the affected terms of other professors of christianity, but think it more reasonable and safe, to content ourselves with that dress of language in which the Holy Ghost thought fit to hand them to us in the Holy Scriptures, those most excellent and divine writings, which above all others in the world, challenge our reverence and most diligent reading ; those oracles of God, and rich christian treasury of divine saving truths, which were written for our learning, that we through patience and comfort of them may have hope ; and are profitable for doctrine, reproof, correction, and instruction in righteousness, to the perfecting and thoroughly furnishing the man of God to every good work, making him wise unto salvation, through faith which is in Christ Jesus ; containing all christian doctrines necessary to be believed for salvation, and are a sufficient external standard and touchstone to try the doctrines of men ; and we say with the apostle, whosoever shall publish and propagate any other gospel and faith than is therein testified of to us by those inspired penmen who were the first promulgators thereof, though he were an angel, let him be accursed ; all which, and whatsoever is therein contained, we as firmly believe all as any of you do ; and as it is the duty of every sincere christian, we are heartily thankful to God for them, who through his good providence hath preserved them to our time, to our great benefit and comfort.

“ We believe in that great omnipotent God, that made and created, all things, and gave us our being, whom in sincerity of heart, we fear, reverence and worship, being seriously concerned for our souls' welfare to eternity. We believe that great mystery, that there are three that bear record in heaven, the Father, Son, and Holy Ghost, and that these three are one in being and substance : and as do ye, so do we also hope for and expect salvation, only and alone through the Son of God, our blessed Lord and Saviour Jesus Christ of Nazareth ; believing that God the Father hath ordained him for salvation to the ends of the earth ; and that no other name is given under heaven, by which men shall be saved ; who being conceived by the Holy Ghost, in the womb of the Virgin Mary, was born of her at Bethlehem ; as also his holy and exemplary life, perfectly free from sin ; his doctrine, miracles, sufferings, and death upon the cross, without the gates of Jerusalem ; his resurrection from the dead, and ascension into heaven, where he is at the right hand of God the Father, perfect God and perfect man, and the alone mediator between God and man, and is our advocate with the Father, and ever liveth to make intercession for us ; and also shall judge both quick and dead. All which, and whatsoever else is recorded of him in the sacred Scriptures, we firmly believe.

“ This Jesus, in whom dwelt the fulness of the Godhead, we believe offered up himself, according to the will of the Father, an acceptable sacrifice to God, and became a propitiation for the sins of mankind, to the end of the world, and died for all men, as all died in Adam; through whose blood God proclaims redemption and salvation to man and offers to be reconciled, and freely, for his Son’s sake, to remit, forgive, and pass by all past offences, to as many as shall truly and heartily repent of their sins, and turn from the same, and shall so believe in our Lord Jesus Christ, and love him, as for the future to live a holy, circumspect, christian life, and obey his commands, thereby continuing in his love.”

“ And notwithstanding that we have been falsely accused, that we expect to be saved by our own works, as being meritorious, yet we do not acknowledge a holy life as the efficient and procuring cause of our salvation; which we, no less than you, totally refer to the free grace and mercy of God in Christ, without any merit in man; but we esteem it as a constant companion thereto, and a necessary condition on our part, in compliance with God’s gracious offer, without which we may not obtain it, being inseparably annexed to that faith which only pleaseth God, and is but our reasonable duty.

“ And we believe, that although Christ thus offered up himself once for all, for the sins of all men to the end of the world, thereby rendering repentance and amendment of life prevalent with God, yet that the traditional belief of that alone, is not sufficient to entitle us to that common salvation that comes by him; but that it is of necessity that we truly repent and be converted from the evil to the good; and therefore it is no less necessary for us now, than it was for believers in the apostles’ days, that we be turned from darkness to light; or in other terms, from the dark power of satan, to the power of God, who is light, that thereby we may every one know the work of redemption and salvation, wrought in and for ourselves; for it is not enough to believe that Christ died, if we feel not the blessed effects of his death, who came to save us from our sins, and bless us by turning us from our iniquities, and gave himself for us, that he might redeem us from all iniquity, and purify unto himself a peculiar people, zealous of good works.”

It is impossible to overcome these declarations of faith, as containing clearly the doctrines maintained by the primitive Friends, (and they are such precisely as were stated by Joseph Hendrickson in the original bill, and in his subsequent answer to the bill of interpleader) unless we are disposed to take the same view of the subject which was taken by Elias Hicks, who, if not the head of the Hicksite party, is at least their main instructor and guide.

The charges which he makes against George Fox, and the primitive Friends, is that they were afraid to speak the truth, otherwise that they would have come out and avowed the opinions which he (Hicks) held. This is a singular charge to be made against the founder of his system; but if ever a charge was destitute of founda-

tion, and utterly unsupported by truth, this is so ; for if ever there existed in this world a body of men who stood forward in defence of their principles, and who have been bold and valiant in asserting and maintaining the truth, as they understood it, it was the society of Friends ; and at the very time they were charged with advancing doctrines which they did not believe, because they were afraid to come out and avow them, they were suffering all kinds of persecution on account of their doctrine. Now will any man in the possession of his sound reason believe that they would boldly step out in defence of one portion of their doctrines, and that they would endure the keenest reproach and persecution by reason of them, and yet that on other points essentially connected with their faith, they were afraid to do so? Sewel, in vol. ii. p. 491, in his historical writings, speaking of George Fox, who was charged with being afraid to come out, says :

“ He was indeed an heavenly-minded man, zealous for the name of the Lord, and preferred the honour of God before all things. He was valiant for the truth, bold in asserting it, patient in suffering for it, unwearied in labouring in it, steady in his testimony to it, immoveable as a rock.”

And yet this is the man who feared to assert the faith which he believed !

The next work to which I shall call the attention of your honours is, “ Barclay’s Catechism.” A catechism is an exposition of doctrine put forth, for the instruction of the youth of a society, in the shape of question and answer; and in framing the publication of any work relative to doctrine, for such a purpose, the great object is to convey to the youthful understanding the true and proper conception of the faith in which they are to be reared, one would reasonably suppose that the society would be peculiarly astute and cautious in the performance of that most responsible duty. “ Train up a child,” says the Scripture, “ in the way he should go; and when he is old, he will not depart therefrom.” All religious societies, therefore, are extremely careful in their mode of arrangement and in the selection of authors and writings relative to the instruction of the young. And it is no argument for the counsel on the other side, that this catechism was not prepared to be used for the purpose I have named. We have nothing to do with the original purpose for which it was designed by its author. The society afterwards adopted it; so it became *their* work by adoption, and has been used by them for the purpose of instruction, and may, therefore, be referred to as a standard of the doctrines of the society. In order to show how the work has been esteemed by the society of Friends, and by the various branches of it, I will refer you to the testimony of Samuel Bettie, 1st vol. Ev. page 75.

And here one remark ought to be made ; it is, that the writer has been particular in the selection of Scripture passages in support of the doctrine which he meant to advance and establish. But he se-

ted those passages of Scripture which clearly and unequivocally convey the idea of the divinity of our Saviour, his atonement, and inspiration of the holy Scriptures, in language which put them beyond all dispute, and shows that the society of Friends had adopted these doctrines in contradistinction to that of the socinian, or unitarian creed. It will not do to say, that the socinian and unitarian do believe in the Scriptures, and are in the practice of citing them; because every man, at all acquainted with the subject, is well aware that in order to get rid of the unequivocal passages in Scripture, in which those doctrines, contrary to their faith are set forth, clear as the beams of the noon-day sun, they are under the necessity of denying the infallibility of the Scripture text, and they therefore degrade and reduce it down to the mere level of human testimony; and to get rid of the undeniable passages, by explaining away some, and totally rejecting others.

I recollect reading many years ago, a correspondence which took place between the archapostle of the socinians, Doctor Priestley, and a Jew, whose name I cannot at this moment recall to my memory. The doctor endeavoured to convert the Jew to his own doctrines, by exhibiting christianity to them as a rational system. The divinity of the Saviour, and the atonement, were of course rejected by him; and the doctor undertook thus to turn the Jew to his rational system of christianity.

One of their rabbis answered the doctor; and told him that he was quite inclined to hear his proposition, but that he much suspected the doctor himself was not a christian; and he cited a number of passages from Scripture in support of the divinity of the Saviour, and the atonement, and submitted them for his inspection. The doctor tried in vain to disentangle himself from this close species of demonstration, by insisting that the passages cited were not applicable, or were inconsistent, or that many of them were spurious and interpolated. The Jew, however, pinned him down to his point; and eventually showed that the doctor himself was no more a christian than the Jew whom he desired to convert. Now, when the Friends begin this catechism, start with the proposition of the inspiration of the Scriptures, and then declare their own belief to be founded on those Scriptures, surely we may safely resort to the passages of Scripture selected to convey their ideas, as evidence of their real sentiments, though the language in which they are expressed is not human language; (no worse, perhaps, for that.)

In Barclay's Catechism, page 3, we have his views of the Scriptures.

A passage has been cited from this writer, where he refers to a different translation of one of these texts, and he says, that it means the same thing. So it does. He says, that "all Scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness; that the man of God may be perfect, thoroughly furnished unto all good works."

But you observe, that the writer adopts the translations or our own versions. And in page 69, you have his further ideas of the Scripture: "Whatsoever things were written aforetime, were written for our learning, that we through patience and comfort of the Scriptures might have hope. Which are able to make wise unto salvation, through faith which is in Christ Jesus; all Scripture *being* given by inspiration of God, and is profitable for doctrine, for reproof, for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works. No prophecy of the Scripture is of any private interpretation; for the prophecy came not in old time by the will of man, but holy men of God spake as they were moved by the Holy Ghost."

Here he gives you the other passage. With these views of the Scripture, he sets out and frames questions and answers for the instruction of the youth of his society. The court will perceive that the questions are not couched in Scripture language, but in his own, and they define and determine the sense in which the answers are to be taken, thereby showing that it was his intention to set forth his own views of doctrine in his own language. A catechism is not drawn up by ignorant persons; its object is not to ask information, but to convey instruction; and in deciding on the views of its author, you are to look to the question as well as the answer.

I refer your honours to page 2 of the work, on the subject of the three persons in one God.

I next cite from page 5, on the subject of the divinity of the Saviour:

"Q. These are very clear, that even the world was created by Christ: but what Scriptures prove the divinity of Christ, against such as falsely deny the same?

"A. And the Word was God. John i. 1.

"Whose are the fathers, and of whom, as concerning the flesh, Christ came, who is over all, God blessed for ever. Amen. Rom. ix. 5.

"Who being in the form of God, thought it no robbery to be equal with God. Phil. ii. 6.

"And we know that the Son of God is come, and hath given us an understanding that we may know him that is true, and we are in him that is true, even in his Son Jesus Christ: this is the true God and eternal life. 1 John v. 20.

"Q. What are the glorious names the Scripture gives unto Jesus Christ, the eternal Son of God?

"A. And his name shall be called, Wonderful, Counsellor, the Mighty God, the Everlasting Father, the Prince of Peace. Isa. ix. 6.

"Who is the image of the invisible God, the first-born of every creature. Col. i. 15.

"Who being the brightness of his glory, and the express image of his person (or more proper, according to the Greek, of his *substance*). Heb. i. 8.

“And he was clothed with a vesture dipt in blood ; and his name called the Word of God. Rev. xix. 13.”

So also on page 7:

“Q. After what manner doth the Scripture assert the conjunction and unity of the eternal Son of God, in and with the man Christ Jesus ?

“A. And the Word was made flesh, and dwelt among us (and we beheld his glory, the glory as of the only begotten of the Father) full of grace and truth. John i. 14.

“For he whom God hath sent, speaketh the words of God ; for God giveth not the Spirit by measure unto him. John iii. 34.

“How God anointed Jesus of Nazareth with the Holy Ghost and with power, who went about doing good, and healing all that were oppressed of the devil ; for God was with him. Acts x. 38.

“For it pleased the Father, that in him should all fulness dwell. John i. 19.

“For in him dwelleth all the fulness of the Godhead bodily. Col. ii. 9.

“In him are hid all the treasures of wisdom and knowledge. Col. iii. 3.”

And from page 8, on the doctrine of the atonement:

“Q. Was Jesus Christ really crucified and raised again ?

“A. For I delivered unto you first of all, that which I also received, namely that Christ died for our sins, according to the Scriptures: and that he was buried, and that he rose again the third day, according to the Scriptures. 1 Cor. xv. 3, 4.

“Q. What end do the Scriptures ascribe unto the coming, death, and sufferings of Christ ?

“A. For mine eyes have seen thy salvation, which thou hast prepared before the face of all people. A light to lighten the Gentiles, and the glory of thy people Israel. Luke ii. 30, 31, 32.

“Whom God hath set forth to be a propitiation through faith in his blood, to declare his righteousness for the remission of sins that are past, through the forbearance of God. Rom. iii. 25.

“And walk in love, as Christ also hath loved us, and hath given himself for us, an offering and a sacrifice to God for a sweet smelling savour. Eph. v. 2.

“And having made peace through the blood of his cross by him, he reconciled all things unto himself ; by him, I say, whether they be things in earth, or things in heaven. And you that were sometime alienated, and enemies in your minds by wicked works; yet now he hath reconciled in the body of his flesh, through death, to present unto himself a holy, unblamable, and unreprouvable in his sight. Col. i. 20, 22.

“Neither by the blood of goats and calves, but by his own blood, he entered in once into the holy place, having obtained eternal redemption for us. How much more shall the blood of Christ, who through the eternal Spirit offered himself without spot to God, purge

your consciences from dead works to serve the living God? Heb. ix. 12. 14.

“For Christ also hath once suffered for sins, the just for the unjust (that he might bring us to God) being put to death in the flesh, but quickened by the Spirit. 1 Pet. iii. 18.

“Hereby perceive we the love of God, because he laid down his life for us. 1 John iii. 16.

“And for this cause he is the mediator of the New Testament, that by means of death for the redemption of the transgressions that were under the first Testament, they which are called, might receive the promise of the eternal inheritance. Heb. ix. 15.

“Q. Is Christ then the Mediator?

“A. For there is one God and one Mediator between God and man, the man Christ Jesus, who gave himself a ransom for all, to be testified in due time. 1 Tim. ii. 5.”

In page 15, you have another passage referring to the atonement:

“Q. But seeing that such allege, that it is because of Adam's sin, that many, even children, are damned; doth not the Scripture aver, that the death of Christ was as large to heal, as Adam's sin could be to condemn?

“A. For if through the offence of one, many be dead, much more the grace of God, and the gift by grace, which is by one man Jesus Christ. Therefore as by the offence of one, judgment came upon all men to condemnation; even so by the righteousness of one, the free gift came upon all men unto justification of life. Rom. v. 15. 18.

“Q. That proves abundantly, that Christ's death is of sufficient extent, to make up any hurt Adam's sin brought upon mankind: what is then the cause of condemnation?

“A. He that believeth on him is not condemned; but he that believeth not, is condemned already, because he hath not believed in the name of the only begotten Son of God. John iii. 18.

“And with all deceivableness of unrighteousness in them that perish, because they received not the love of the truth, that they might be saved. And for this cause God shall send them strong delusion, that they should believe a lie, that they all might be damned who believe not the truth, but had pleasure in unrighteousness. 2 Thes. ii. 10, 11, 12.”

The object of this was to show, that in addition to the atonement of Jesus Christ, there is something more required; that the atonement is a remission of sins that are past, but that faith is essential to complete the work.

I next refer to the discipline of the yearly meeting of Philadelphia; and this, as the Chief Justice has observed, may with propriety be called the constitution of the society. In p. 12, it says:

“This meeting doth earnestly exhort all parents, heads of families and guardians of minors, that they prevent, as much as in them lies, their children, and others under their care and tuition, from having or reading books and papers *tending to prejudice the pro-*

mission of the christian religion, to create the least doubt concerning the authenticity of the Holy Scriptures, or of those saving truths declared in them; lest their infant and feeble minds should be poisoned thereby, and a foundation laid for the greatest evils.— And Friends are desired to be careful in the choice of all books in which their children and families read, seeing there are many under the specious titles of promoting religion and morality, which contain sentiments repugnant to the truth in Christ Jesus.”

And in p. 100 there is a passage which deserves attention.

“That they excite them to the diligent reading of those excellent writings, *which plainly set forth the miraculous conception, birth, holy life, wonderful works, blessed example, meritorious death, and glorious resurrection, ascension and mediation of our Lord and Saviour Jesus Christ; and to educate their children in the belief of those important truths*, as well as in the belief of the inward manifestation and operation of the holy Spirit on their own minds, that they may reap the benefit and advantage thereof, for their own peace and everlasting happiness; which is infinitely referable to all other considerations.”

These are the doctrines in which, by the constitution of the yearly meeting at Philadelphia, the children of the society are to be instructed. In p. 23 there are two other passages:

“If any in membership with us shall blaspheme, or speak profanely of Almighty God, Christ Jesus, or the Holy Spirit, he or she ought early to be tenderly treated with for their instruction, and the invincement of their understanding, that they may experience repentance and forgiveness; but should any, notwithstanding this brotherly labour, persist in their error, or deny the divinity of our Lord and Saviour Jesus Christ, the immediate revelation of the Holy Spirit, or the authenticity of the Scriptures, as it is manifest they are not one in faith with us, the monthly meeting where the party dwells, having extended due care for the help and benefit of the individual without effect, ought to declare the same, and issue their testimony accordingly.”

You have here a distinct recognition of the three great cardinal doctrines of the divinity of the Saviour, his atonement, and the inspiration of the Scriptures; accompanied, in the first place, by an injunction, that if any one of the members speak profanely of them, he denies them, he is to be dealt with according to certain prescribed terms; and that if he still persists in his denial, the society is to declare that he is no longer in the same faith with them. The counsel is said, that the provisions last mentioned are no more than are contained in the law of New Jersey. I call the attention of the court to the statute of New Jersey on this subject, which was based on the fact that the people of this state, as a community, believed in the doctrine of the trinity. Socinians and unitarians had not gained ground in this state—they had no churches at that time. But the legislature proceeded on a true principle; they recognized tolera-

tion and religious freedom; and persons were permitted to entertain their own opinions, although they might differ from the religious societies of the state. But they said that a man ought not to revile the prevailing doctrines of the community in which he lived, and they, therefore, passed an act, in which it is provided as follows:

“That if any person shall wilfully blaspheme the holy name of God, by denying, cursing, or contumeliously reproaching his being or providence, by cursing or contumeliously reproaching Jesus Christ, or the Holy Ghost, or the christian religion, or the holy Word of God, that is, the canonical Scriptures, contained in the books of the Old and New Testament, or by profanely scoffing at, or exposing them, or any of them to contempt and ridicule, then every person so offending shall, on conviction, be punished by a fine, not exceeding two hundred dollars, or an imprisonment at hard labour, not exceeding twelve months, or both, at the discretion of the court.”

The object of this enactment was not to prevent men from enjoying their own religious opinions, (except absolute atheists, and they were punishable for the bare denial of the existence of the Deity,) but that, in respect to the peculiar doctrines alluded to, they were not at liberty to revile or speak disrespectfully of them. It is no argument for the gentleman to tell us, that because the legislature passed this act, based, as it was, on the ground that the religious societies of the state recognized the doctrines, these peculiar doctrines, that therefore a religious society which disowned members for denying the same doctrines, did not require a belief in them, and that such belief was not fundamental. The argument fairly deducible from it is directly the other way.

This discipline goes further than the laws on this subject. To render a person amenable to the laws, he must curse, revile, or reproach the doctrines set forth; but here, a mere denial of them, if persisted in, constitutes a ground of disownment. It shows clearly that the intention of the society of Friends was to avow and hold forth these as their religious doctrines.

Is this discipline binding on the society? why, it is almost a work of supererogation to undertake to show that it is so. Even the witnesses on the other side do not deny it; and Halliday Jackson admits it. But I would call your attention to the manner in which they get over the passages there contained relating to this subject. When a witness is asked the question, “are your society bound by the passages set forth in the discipline, as to doctrine,” he replies, that he will not answer. Now, these men claim to be members of the society of Friends; to be carrying on the yearly meeting at Philadelphia, to be carrying on all the subordinate meetings which are attached to it; and are these men to have the control of this important fund? men who claim to be the exclusive constituent members of this religious society, and who, when asked if they are bound to maintain the doctrines which are clearly put forth in their discipline, and are the very basis of their institution, cast themselves on

their consciences, and refuse to answer the inquiry? Such was the testimony of Abraham Lower.

I have been referring the court to such documents as partake of a public and official character. There is one more which so far partakes of that character as to be fairly introduced among them. It is the letter of George Fox, to the society of Friends in Barbadoes. It has been so frequently published by the society, and spoken of in such high terms, that we ought not to pass over it here.

“Whereas many scandalous lies and slanders have been cast upon us, to render us odious; as that ‘We deny God, Christ Jesus, and the Scriptures of truth,’ &c. This is to inform you, that all our books and declarations, which for these many years have been published to the world, clearly testify the contrary. Yet, for your satisfaction, we now plainly and sincerely declare, that we own and believe in the only wise, omnipotent, and everlasting God, the creator of all things in heaven and earth, and the preserver of all things that he hath made; who is God over all, blessed for ever; to whom be all honour, glory, dominion, praise and thanksgiving, both now and evermore! And we own and believe in Jesus Christ, his beloved and only begotten Son, in whom he is well pleased; who was conceived by the Holy Ghost, and born of the Virgin Mary; in whom we have redemption through his blood, even the forgiveness of sins; who is the express image of the Invisible God, the first-born of every creature, by whom were all things created that are in heaven and in earth, visible and invisible, whether they be thrones, dominions, principalities, or powers; all things were created by him. And we own and believe that he was made a sacrifice for sin, who knew no sin, neither was guile found in his mouth; that he was crucified for us in the flesh, without the gates of Jerusalem; and that he was buried, and rose again the third day by the power of his Father, for our justification; and that he ascended up into heaven, and now sitteth at the right hand of God. This Jesus, who was the foundation of the holy prophets and apostles, is our foundation; and we believe there is no other foundation to be laid but that which is laid, even Christ Jesus: who tasted death for every man, shed his blood for all men, is the propitiation for our sins, and not for ours only, but also for the sins of the whole world: according as John the Baptist testified of him, when he said, ‘Behold the Lamb of God, that taketh away the sins of the world.’ John i. 29. We believe that he alone is our Redeemer and Saviour, the captain of our salvation, who saves us from sin, as well as from hell and the wrath to come, and destroys the devil and his works; he is the seed of the woman that bruises the serpent’s head, to wit, Christ Jesus, the Alpha and Omega, the first and the last. He is (as the Scriptures of truth say of him) our wisdom, righteousness, justification, and redemption; neither is there salvation in any other, for there is no other name under heaven given among men, whereby we may be saved. He alone is the shepherd and bishop of our souls: he is our prophet, whom

Moses long since testified of, saying, 'A prophet shall the Lord your God raise up unto you of your brethren, like unto me; him shall ye hear in all things, whatsoever he shall say unto you: and it shall come to pass, that every soul that will not hear that prophet shall be destroyed from among the people.' Acts ii. 22, 23. He is now come in Spirit, 'and hath given us an understanding, that we may know him that is true.' He rules in our hearts by his law of love and life, and makes us free from the law of sin and death. We have no life, but by him; for he is the quickening spirit, the second Adam, the Lord from heaven, by whose blood we are cleansed, and our consciences sprinkled from dead works, to serve the living God. He is our Mediator, who makes peace and reconciliation between God offended and us offending; he being the oath of God, the new covenant of light, life, grace, and peace, the author and finisher of our faith. This Lord Jesus Christ, the heavenly man, the Emanuel, God with us, we all own and believe in; he whom the high-priest raged against, and said he had spoken blasphemy; whom the priests and elders of the Jews took counsel together against, and put to death; the same whom Judas betrayed for thirty pieces of silver, which the priest gave him as a reward for his treason; who also gave large money to the soldiers to broach a horrible lie, namely, 'That his disciples came and stole him away by night whilst they slept.' After he was risen from the dead, the history of the Acts of the Apostles sets forth how the chief priests and elders persecuted the disciples of this Jesus, for preaching Christ and his resurrection. This, we say, is that Lord Jesus Christ, whom we own to be our life and salvation.

"Concerning the Holy Scriptures, we believe they were given forth by the holy Spirit of God, through the holy men of God, who (as the Scripture itself declares, 2 Pet. i. 21.) 'spoke as they were moved by the Holy Ghost.' We believe they are to be read, believed, and fulfilled (he that fulfils them is Christ); and they are 'profitable for reproof, for correction, and for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works,' 2 Tim. iii. 19, 'and are able to make wise unto salvation, through faith in Christ Jesus.' We believe the Holy Scriptures are the words of God; for it is said in Exodus xx. 1, 'God spake all these words, saying,' &c. meaning the ten commandments given forth upon mount Sinai. And in Rev. xxii. 18, saith John, 'I testify to every man that heareth the words of the prophecy of this book, if any man addeth unto these, and if any man shall take away from the words of the book of this prophecy' (not the Word), &c. So in Luke i. 20. 'Because thou believest not my words.' And in John v. 47. xv. 7. xiv. 23. xii. 47. So that we call the Holy Scriptures, as Christ, the apostles, and holy men of God called them, viz. the words of God." (See Journal, vol. ii. p. 145.)

I have now done with these documents which are of an authoritative character; and I think I may close this portion of my subject with joining in the remark of a number of witnesses; that no reli-

ious society have so frequently had occasion to publish to the world their faith or doctrines, as the society of Friends; and we find that they were precisely such as are here set up by Hendrickson and his party.

Before I proceed further, allow me to refer the counsel on the other side to a passage in the testimony. When I stated that Abram Lower, although he admitted the discipline to be binding, yet that when asked, if those passages relating to doctrines were obligatory, he refused to answer the question, I was interrupted by the learned gentleman, who inquired where I found my authority. I now refer the gentleman to the 1st vol. of Evid. page 382:

“ Q. By the discipline and usages of the society of Friends, have they a right to treat with, and if persisted in, to disown any of their members, who in the course of their ministry, shall propagate sentiments repugnant to the principles and doctrines which have always been held fundamental by the society ?

“ Mr. Price. I object to that question ; the discipline itself being the best evidence as to the matter.

“ Mr. Sloan. The witness will please to give us his answer.

“ Witness. As a member of the religious society of Friends, I acknowledge myself bound to be governed by its discipline in all things of an external character; beyond which, no rule of an external nature I apprehend can apply.

“ Q. In things of an external character, do you mean to include the continued public expression of unsound doctrines by a minister or member of that society ?

“ A. I think in any investigations of temporal tribunals in this country, that it is repugnant to our excellent institutions of civil government for them to interfere in doctrines.

“ Q. In the administration of the discipline of the society of Friends, have the ministers of that society ever been held amenable to the society for the soundness of their ministry ?

“ A. I refer to my last answer.

“ Q. By referring to your last answer, do you mean to refuse to answer either of the last two questions ?

“ A. I mean that as an answer to the question.—I understand my own conscientious feelings, and the rights of the citizens of this country, and the duties of courts, or any institutions under them, with regard to intermeddling with religious opinions; and therefore think myself not under an obligation to encourage anything that goes to infringe the right of private judgment.

“ Q. Do you refuse to answer the last three questions, and the one immediately preceding, out of which they grew, viz: by the discipline and usages of the society of Friends, have they a right to treat with, and if persisted in, to disown any of their members, who in the course of their ministry shall propagate sentiments repugnant to the principles and doctrines which have always been held fundamental

by the society, and which questions relate to the administration of the discipline?

“A. I deny the authority or right of a temporal court to interfere with things purely spiritual.

“Will you answer the question, yes or no?

“A. What I have said is my answer.”

Or of this rule, page 383 :

“Q. Is a violation of the following rule of discipline, to wit, ‘If any in membership with us shall blaspheme, or speak profanely of Almighty God, Christ Jesus, or the Holy Spirit, he or she ought early to be tenderly treated with, for their instruction and the conviction of their understanding, that they may experience repentance and forgiveness; but should any, notwithstanding this brotherly labour, persist in their error, or deny the divinity of our Lord and Saviour Jesus Christ, the immediate revelation of the Holy Spirit, or the authenticity of the Scriptures, as it is manifest they are not one in faith with us, the monthly meeting where the party belongs having extended due care for the help and benefit of the individual without effect, ought to declare the same, and issue their testimony accordingly;’ or of this rule, viz. ‘We tenderly and earnestly advise and exhort all parents and heads of families that they endeavour to instruct their children and families in the doctrines and precepts of the christian religion as contained in the Scriptures, and they excite them to the diligent reading of those excellent writings, which plainly set forth the miraculous conception, birth, holy life, wonderful works, blessed example, meritorious death, and glorious resurrection, ascension, and mediation of our Lord and Saviour Jesus Christ; and to educate their children in the belief of those important truths, as well as in a belief of the inward manifestation and operation of the Holy Spirit on their own minds, that they may reap the benefit and advantage thereof, for their own peace and everlasting happiness, which is infinitely preferable to all other considerations,’ a subject for which a member or members of the society may be treated with, and if they persist in disregarding these rules, be disowned?

“A. I think, that this question is an interference of this commission in spiritual things which don’t become them, according to the restrictions of the constitution with respect to the opinions of the citizens.”

My position is, that there is a difference between the two parties on the question of doctrine. We allege that certain documents are fundamental; and they admit that there are certain fundamental doctrines; and yet that, I say, when, for the proper and legitimate purpose of testing what those doctrines are, I come to the cardinal points in the discipline, they immediately take flight, and, they being claimants too, refuse to answer the questions which we ask them. And in p. 38, vol. ii. we have the same thing. Here then, is a party, admitted this to be the constitution of their society, and also admitting it to be binding upon the members, charged with seceding

from these doctrines, which are shown to have been held by the primitive Friends; and yet in the very same breath in which they exhibit their claims to be considered the true adherents to the principles of that society, and acknowledging that constitution as obligatory, they deny your right to go into the most important question which is involved in the cause.

The next piece of evidence to which I shall call the attention of the court, is as to the preaching of approved ministers in England and in this country, on this subject; and all our witnesses testify that previous to the separation, the ministers regularly poured forth those doctrines in the presence of their hearers. I will not occupy your time by going over the whole of them, for they are very numerous; but I will pass on to the evidence of an aged and venerable witness, born in the year 1746, and who has testified to this point. I allude to William Jackson. In vol. 1, p. 98, he says:

“I am a member of the society of Friends—according to the record of my birth, I was born on the 14th day of seventh month, 1746, and I have been a member of the society from my birth—my parents and grandparents before me, were members of, and intimate with the leading members of the society; from the period of my earliest recollection, I have been in the habit of attending the meetings of the society; as well meetings of business as of worship—have been a minister in that society since about the year '75, and prior to that time had been in the habit of taking an active part in conducting the affairs of the society, in some respects. I have travelled extensively in this country, and in Europe, that is, in England, Ireland, Scotland, and Wales, where there were Friends, visiting the different meetings of the society. In those travels I had many opportunities of hearing many of the most eminent ministers of the society, as well as of private intercourse with them—have often heard such ministers, both in their public testimonies and private discourses. I can name some of those eminent ministers. I think Samuel Fothergill was the first I can name; he had several meetings where I heard him—after him, from England, I could name Thomas Gothrup, Samuel Spavold, William Ricket; these were some of the first in my remembrance; and I have named them in rotation, as I heard them. These were all before the year 1760. From that period down, there were a great number. John Storer, John Griffith, Samuel Neal, Robert Walker, these were all before the revolutionary war, (some of those named above, as being before 1760, came over the second time,) there were others also besides these, that I have not named. At the conclusion of the war, and a very short time after it, John Storer came a second time, and John Townsend, and Thomas Colly. Approved ministers of the society have been in the habit of visiting this country, at intervals, from that time to the present. I recollect several eminent ministers of the society, of this country, at the periods of which I have spoken. John Churchman, William Brown, Daniel Stanton, Joseph White,

John Scarborough, Thomas Ross, Isaac Andrews, Mark Reeve, John Reeve, William Matthews, Isaac Everitt ; there were many others. The greater part of these mentioned, have been deceased from forty to sixty years ago; some of them I have travelled with. All of those mentioned, were approved ministers, of standing in the society of Friends—divers of them visited Friends in Europe at different times. I had an opportunity of hearing the public testimonies of all those I have mentioned, as well as others, who were contemporary with them : and also the private discourses of many of them. From these sources I got my acquaintance with the principles and doctrines of the society, so far as what could be obtained in that way—by these sources, I mean, from the public testimonies and private discourses of those eminent ministers, as well as what was written and published by the society. I still continue my attendance at the yearly meeting of that society, held in Philadelphia. I have had continued intercourse with eminent and approved ministers of the society, and those who have been active in teaching its principles and doctrines. The principles and doctrines held by the society, at the present time, as fundamental of the christian religion, are the same principles and doctrines which were held by them at the early times I have mentioned—I know of no alteration. The principles and doctrines taught by the approved ministers of the society, of the present day, are the same with those taught by Samuel Fothergill, and the other eminent ministers of former times, of whom I have spoken. I have never heard anything to the contrary. From the year 1767, until now, I have been in the habit of regular attendance at the yearly meeting of Friends, in Philadelphia. It has been held in the city of Philadelphia from that time until the present. During all that time, I have not known of a yearly meeting convening at a different time, or place, from that to which it stood adjourned at the previous year. The general language of the concluding minute of the yearly meeting, respecting the adjournment, is, that the next meeting be held ‘at the usual time and place.’ If a change of time, or place, is contemplated by the meeting, that change should appear in the minute. I am acquainted with the mode of conducting the business of the yearly meetings. There has no material change taken place in the mode or manner of conducting the business of the yearly meetings within my remembrance ; it is still conducted in the same manner that it formerly was. The yearly meeting, held in Mulberry, or Arch street, Philadelphia, is the same meeting that I have spoken of as first attending in 1767, having been continued from that time to the present, by regular adjournments. From the earliest times, to the present, it has been the practice of the society to disown members, who make public avowal of a departure from our doctrines, principles, or testimonies, if they persist in it. We consider them as not belonging to us, according to the language of Scripture : ‘They went out from us, because they were not of us.’ I have knowledge of instances of dis-

avowment for denial of the proper divinity of our Saviour, and the divine authority of the Scriptures."

And in p. 100, he states that the doctrines were the same as we have set forth. You have here a witness, a minister of the gospel of the society of Friends, who has been so from his youth; whose head must soon be laid silently in the grave; whose life and memory run back through nearly three generations of men; who has travelled over the christian world wherever the members of this society are to be found; who has himself preached and heard others preach its doctrines, both here and in Europe; and he says, that the doctrines which we have laid before the court, are the same which have pervaded the society for the last three generations. What is there to contradict this conclusive piece of testimony? What witness on the other side has dared to deny it? What witness on the other side has dared to raise his voice and tell what is his belief, or that of the body to which he belongs? Not one; they have not dared to attempt a disposal of this testimony; they are convicted of that which they erroneously charged upon George Fox; they are "afraid to come out."

In ascertaining the doctrines of a religious society, great weight is to be attached to the preaching of the gospel in that society. One of the great objects in establishing it, is to promote the diffusion of such doctrines as they adhere to. Catechisms are prepared for the instruction of the young; ministers are provided for the better information of the whole body; and there is a passage in the discipline, which especially shows the great care, the watchful guardianship which have been exercised by this society over all its ministers and elders, in order to prevent the preaching of any other than the true faith and doctrines which they professed and maintained. A report is to be made every three months, in answer to this emphatic query: "Are they sound in word and doctrine?" If they teach unsound doctrines they are to be dealt with accordingly. Can you believe that a society entertaining certain doctrines, would tolerate that all sorts of jarring and discordant sentiments should be preached among them? The absurdity of such a theory is too glaring to admit of a moment's consideration.

The doctrines we have set forth, are shown by the witnesses to have been those entertained by the society of Friends. Samuel Lettice, in vol. 1st. p. 58 and 59; Thomas Willis, in p. 108; Thomas Evans, in p. 192; and William Jackson, in p. 100—all testify to this point. As the court has heard the depositions read, and has an opportunity of referring to them at their leisure, I will not read them again.

I shall next call the attention of your honours to the standard works of the society of Friends, remarking, first, that the proof which we have offered on the subject of doctrine, is furnished by aged, intelligent, and respectable witnesses, who were fully competent to prove what these doctrines were. And when you find that

testimony run back to a period prior to the revolution, when you find it going fully to prove that such were the doctrines maintained not only in England but here, the court, I think, should attach a high degree of importance to the statements which are given.

A person called on to investigate the doctrines of any society or sect, will, of course, look into their standard works, and he ought to pay particular attention to those authors who professedly treat on doctrinal subjects. The society of Friends established a meeting to superintend publications of this character ; and whenever such works have been put forth, they have always been previously inspected and approved. See the 1st vol. of *Ev.* p. 24 ; and for proof of the standard works, see the testimony of Samuel Bettle, p. 59 ; Willis, 145 ; Samuel Parsons, 203. We shall, therefore, proceed to lay before the court some passages from these standard works ; and we shall take up all the different heads as they are stated in our answer to the bill of interpleader. The first subject is that of the "three who bear record in heaven." In Evans's *Exposition*, p. 40 & 41, it is said :

"We own the Father, the Son and the Holy Ghost, as the apostles have declared."

"And it is the Spirit that beareth witness, because the Spirit is truth ; for there are three that bear record in heaven, the Father, the Word, and the Holy Ghost, and these Three are one ; and there are Three which bear record in earth, &c., *which we own*, 1 John v. 6, 7. And now let none be offended, because we do not call them by those unscriptural names of Trinity, and Three Persons, which are not Scripture words ; and so do falsely say, that we deny the Father, the Word, and the Holy Ghost, which Three are one that bear record in heaven, &c., which Three we own with all our hearts, as the apostle John did, and as *all true christians ever did, and now do* ; and if you say we are not christians, because we do not call the Father, Son, and Holy Ghost, the Trinity, distinct and separate persons ; then you may as well conclude that John was no christian, who did not give the Father, Word, and Holy Ghost, these names.

"We believe concerning God the Father, Son, and Spirit, according to the testimony of the Holy Scripture, which we receive and embrace as the most authentic and perfect declaration of christian faith, being indited by the Holy Spirit of God, that never errs : 1st, That there is one God and Father, of whom are all things ; 2dly, That there is one Lord Jesus Christ, by whom all things were made, John i. & xvii., and Rom. ix., who was glorified with the Father before the world began, who is God over all, blessed for ever, John xiv. That there is one Holy Spirit, the promise of the Father and the Son, and leader, and sanctifier, and comforter of his people, 1 John v. And we further believe, as the Holy Scriptures soundly and sufficiently express, that these Three are one, even the Father, the Word, and Spirit."

The court will observe, that he contends they are not bound to take these scholastic phrases instead of the terms used in the Holy Scriptures. I will now cite from Penn's Works, 2d vol. p. 789 :

“Reader, thou plainly seest, that they believe the light to be divine, and the Scriptures to be of divine authority : that they own the Scripture trinity, or Holy Three, of Father, Word, and Spirit, to be truly and properly one : that Christ is God, and that Christ is man : that he came in the flesh, died, rose again, ascended, and sits on God's right hand, the only sacrifice and mediator, for man's happiness : that truly gospel means and ordinances are requisite, and to be reverently practised : that good works are necessary and rewardable : that all men are to be honoured in the Lord, according to their degrees : and that government in church and state is God's ordinance, and both requisite and very beneficial.”

Page 879 : “Concerning the Father, the Word, and the Spirit.—Because we have been very cautious in expressing our faith concerning that great mystery, especially in such school terms, and philosophical distinctions as are unscriptural, if not unsound, (the tendency whereof hath been to raise frivolous controversies and animosities amongst men) we have, by those who desire to lessen our christian reputation, been represented as deniers of the trinity at large: whereas we ever believed, and as constantly maintained the truth of that blessed (Holy Scripture) Three, that bear record in heaven, the Father, the Word, and the Spirit, and that these Three are one; the which, we both sincerely and reverently believe, according to 1 John v. 7. And this is sufficient for us to believe and know, and hath a tendency to edification and holiness, when the contrary centers only in imaginations and strife, and persecution, where it runs high, and to parties, as may be read in bloody characters in the ecclesiastical histories.”

Page 892 : “In his fifth paragraph, he blames us for being defective in our confession of the holy trinity, though we give it in the very terms of the Holy Ghost, 1 John v. 7. If this is not a sufficient text to prove the trinity, that antiquity urges, and also modern writers of the church of England, to prove it, I know not where to find one in the Scripture.

“It is generally believed the apostle John gave this declaration to the first christians, to prevent their being deluded by Cerinthus. How came the bishop then, to render it but a by-passage, and otherwise intended by the apostle, than for an article of faith about the trinity? Is there a plainer, or a fuller any where in the writings of the New Testament? Three and yet one, is the doctrine of the trinity: and no other apostle has gone so far, or been so express: insomuch that the text has been doubted, and rendered apocryphal by such as do not believe the common doctrine of the trinity; and foisted in to serve the turn of trinitarians, so plain it has been thought to their purpose, even by the anti-trinitarians. How then is the text defective with the bishop? But he says, the apostle writ it upon occasion: doubtless he did so. But what other occasion, I pray, than that of the

holy trinity? He adds, and it was to the apostle's purpose, touching the Father, Son, and Holy Ghost. But what purpose could the apostle have, but that of declaring the trinity, and yet unity? What other use does he make of it? The bishop must be very hard put to it, certainly, to shift off, and lessen our confession in this point, and rather than fail, render the text itself short; which, with submission, I think is a bold attempt in one of his station, if he believes the thirty-nine articles."

Page 14: "Thou must not, reader, from my querying thus, conclude, we do deny (as he hath falsely charged us, those glorious Three, which bear record in heaven, the Father, the Word and Spirit, neither the infinity, eternity and divinity of Jesus Christ; for that we know he is the mighty God; nor what the Father sent his Son to do on the behalf of lost man, declaring to the whole world, we know no other name, by which atonement, salvation, and plenteous redemption comes, but by his name, are according to our measures, made sensible of its mighty power."

And on p. 18, in reply to the charge that the Quakers deny the trinity, after declaring that this is not a Scripture phrase, he adds:

"Yet, if by trinity he understands those three witnesses in heaven, Father, Word, and Spirit, he should have better acquainted himself with what we disown, than ignorantly thus to blaze abroad our open denial of what we most absolutely credit and believe."

From a work written by George Whitehead, entitled, "The people called Quakers truly represented."

"Seeing it is not unknown that we, the said people, profess faith in God the Father, and in his dear eternal Son Jesus Christ, and in the Holy Spirit, one God blessed for ever more; and that we do acknowledge the Holy Scriptures of the Old and New Testament, to be given by divine inspiration, according as expressed in the Act of Exemption, or Toleration, anno primo Gulielmi et Mariæ, which being legally provided, and by us sincerely and publicly owned to authority, and one condition of our present and religious liberty; we think it very hard and undue measure, as well as uncharitable, to be joined either with socinians or arians, and branded with 'infidelity, damnable errors,' which you say have been 'embraced and propagated by the sect of Quakers, whom, in several of their treatises, catechisms, and primers, have taught the rudiments of christian faith in such a manner, as to make it seem to be little more than a complicated system of deism and enthusiasm;' to which is added, 'from the wicked principles thus disseminated, as wicked practices have followed.'

"Unto all which we sincerely and humbly answer:

"I. We know nothing, in point of christian doctrine and principle, more openly and apparently asserted and propagated by the said people called Quakers, than the divinity of Christ, and essential union of the Father, Son, and Holy Ghost. This holy and blessed Scripture trinity, we have always stood for in real faith and practice.

"II. The divinity of our blessed Lord and Saviour Jesus Christ, that he is the eternal Word, the true God, as well as truly man; being expressly agreeable to Holy Scripture testimony, viz: That he is the mighty God, &c., the eternal Word, whereby all things were made: who is over all, God blessed for ever: God created all things by Jesus Christ: who is the true God and eternal life; by whom also the worlds were made: the divine Three that bear record in heaven, the Father, the Word, and the Holy Ghost, and these three are one.

"The blessed trinity in the unity of divine essence, is manifest in the wonderful works of God, both in the old and new creation, and the mystery thereof revealed and experienced in the new birth.

"III. Thus we sincerely believe and confess the divinity and Deity of the eternal Son of God, Christ Jesus, with respect to his being the eternal Word, which was in the beginning; before Abraham was; from everlasting; glorified with the Father before the world began: and in respect to the fulness of the Godhead (yea, all fulness) dwelling in him; and as all power in heaven and earth is given unto him: and as by whom also God made the worlds.

"All which seriously considered, thus to assert the glorious divinity of the Son of God, cannot be inconsistent with his divine wisdom, love, and great condescension in assuming the holy humanity, his pure and perfect manhood for our sakes, even for the redemption of mankind. 'Without controversy, great is the mystery of Godliness,' saith the apostle, 1 Tim. iii. 16, 'God was manifest in the flesh, justified in the Spirit,' &c. And surely excellent is the mystery of Christ, and the true spiritual knowledge of him, and his riches unsearchable. Ephes. iii. 4—9. 2 Cor. v. 16 Col. i. 27."

From George Whitehead's works, p. 168:

"I answered him in terms of Holy Scripture, viz: That I really own, and believe the Father, the Son, and the Holy Ghost, are the three which bear record in heaven; the Father, the Word, and the Holy Ghost: and these three are one, according to the doctrine of John the evangelist, 1 John v. 7."

"The Holy Scripture trinity, or Three, thereby meant, we never questioned, but believed; as also the unity of essence; that they are one substance, one divine infinite Being, and also we question not, but sincerely believe, the relative properties of Father, Son, and Holy Ghost, according to Holy Scripture testimony, Matt. xxviii. 19, and that these three are one, 1 John v. 7." Page 195—1659.

"Yet to prevent any such from being stumbled or ensnared, by some expressions in the aforesaid profession or creed, (which appeared unscriptural,) in the said bill, we, instead thereof, did propose and humbly offer, as our own real belief of the Deity, of the Father, Son, and Holy Ghost, viz: 'I profess faith in God the Father, and in Jesus Christ his eternal Son, the true God, and in the holy Spirit, one God blessed for ever: and do acknowledge the Holy Scriptures of the Old and New Testament, to be given by divine inspiration.'" Page 635—1689.

From a work entitled, "Antichrist in flesh unmasked, p. 27 :

"To conclude in general, against your false charges and manifold abuses and calumnies, contained in your said book, viz : 'Antichrist in Spirit ;' and to anticipate farther objections on the matters herein : we sincerely profess and declare in the sight of God and men, that we do faithfully believe and profess, that the Holy Scriptures of the Old and New Testament were given by divine inspiration ; and that the three divine witnesses in heaven above, namely, the Father, Son, and Holy Ghost, are one true and eternal God, blessed for evermore, whose omnipresence and omnipotency we also believe and profess."

From an essay entitled, "Truth Prevalent," p. 4 :

"And as for the holy trinity, whereby they mean those divine Holy Three, the Father, the Word, or the Son, and Holy Ghost, we have, ever since we were a people or religious society, sincerely believed and owned those Holy Three, to be one true and living God, blessed for ever."

From Isaac Pennington's works, 2d vol. p. 614, "An epistle to all serious Professors :

"*Friends*—After it pleased the Lord to touch my heart with the sense of his truth, and to manifest unto me the principle of his life, in the demonstration and power of his own Spirit, insomuch as I could reason, dispute, consider about it no longer, but was fully satisfied concerning it ; I say, after this, the love of God sprang in me towards you, and pure desires and breathings unto him, that ye also might have the way cast up before you, and might so walk therein, as to come to partake of the same mercy and salvation. How I have mourned before the Lord for you, and desired that the stumbling-blocks might be removed from you, and that ye might so seek as to obtain (not in that wisdom and disputing mind, which still is shut out ; but in that meekness, humility, and fear which gives entrance) the Lord God knoweth. Yea, the desires in me after you are still living ; who knoweth, but the Lord may at length hear, and with his key so open your hearts, and so anoint your eyes with his eye-salve, that ye may see, acknowledge, believe in, and receive the beloved of your souls, even as he now appears (after the long night of darkness) a comforter of the drooping spirits of his people, with the pure light of life, wherein the redeemed house of Jacob (who sat in darkness, and in the valley of the shadow of death, mourning after him) now in holy rejoicing, and pure joy of spirit, walk before him ? Oh ! the Lord God visit you, and break in upon you, as he hath done upon us, and cause you to set to your seals also, as we could not but do, that this is he whom all our days we waited for, and longed after. And now there are two or three things in my heart to open to you, how it is with me in reference to them ; for indeed I have not been taught to deny any testimony the Scriptures hold forth, concerning the Lord Jesus, or any of his appearances, but am taught by the Lord more certainly and fully to own and acknowledge them.

“The first is concerning the Godhead, which we own as the scriptures express it, and as we have the sensible, experimental knowledge of it. In which, ‘There are three that bear record in heaven, the Father, the Word, and the Holy Spirit, and these three are one,’ 1 John v. 7. This I believe from my heart, and have innumerable demonstrations of; for I know three, and feel three in Spirit, even an eternal Father, Son, and Holy Spirit, which are but one eternal God. And I feel them also one, and have fellowship with them (through the tender mercy of the Lord) in their life, and in their redeeming power. And here I lie low before the Lord in the sensible life, not desiring to know and comprehend notionally, but to feel the thing inwardly, truly, sensibly, and effectually; yea, indeed, this is to me far beyond what I formerly knew notionally concerning them, and I cannot but invite others hither.

“Now consider seriously, if a man from his heart believe thus concerning the eternal power and Godhead; that the Father is God, the Word God, the Holy Spirit God, and that these are one eternal God, waiting so to know God, and to be subject to him accordingly; is not this man in a right frame of heart towards the Lord in this respect? Indeed, friends, we do know God sensibly and experimentally to be a Father, Word, and Spirit, and we worship the Father in the Son, by his own Spirit, and here meet with the seal of acceptance with him. Nor would we contend with you about your crimes in this respect, but that ye provoke us thereunto, in laying to our charge as if we denied the thing; whereas we do not, nor can deny the expressions which the Scripture useth, nor our own sense and experience concerning the thing. I pray let this suffice, and let us all strive to know God (and his Son Jesus Christ) in his life, Spirit, and power, wherein is unity and true demonstration; and not contend about such expressions concerning things as are beside the Scriptures. For would not ye yourselves think it hard (I mean such of you as read the Scriptures seriously, desiring to understand and observe what is written therein) to have a belief of things imposed on you otherwise than is there written, and otherwise than ye have the sense, knowledge, and experience of them from the Lord?

“The second is concerning the offering of the Lord Jesus Christ, without the gates of Jerusalem. I do exceedingly honour and esteem that offering, believing it had relation to the sins of the whole world, and was a propitiatory sacrifice to the Father therefor. And surely he that is redeemed out of the world up to God by Christ, cannot deny that Christ was his ransom, and that he was bought with a price, and therefore is to glorify God, with his body and spirit, which are God’s, 1 Cor. vi. 20. And, saith the apostle Peter, ye know that ye were not redeemed with corruptible things, as silver and gold, from your vain conversation, &c., but with the precious blood of Christ, as of a lamb without blemish and without spot, 1 Pet. i. 18, 19.; who so offered himself up to God through the eternal Spirit, Heb. ix. 14. This we do own singly and nakedly,

as in the sight of the Lord ; though I must confess we do not lay the sole stress upon that which is outward and visible (though we truly and fully acknowledge it in its place,) but upon that which is inward and invisible ; upon the inward life, the inward power, the Spirit within ; knowing and experiencing daily, that that is it which doth the work. The outward flesh is not the meat indeed, nor the outward blood the drink indeed ; but it is in the Spirit, the life, the substance, which the birth that is born of the Spirit feeds upon and lives by. Oh ! consider seriously, and wait on the Lord, rightly to understand that Scripture, John vi. 63, ‘It is the Spirit that quickeneth, the flesh profiteth nothing ; the words that I speak unto you, they are spirit and they are life.’ What doth this Scripture lay the stress upon ? Is it not upon the quickening Spirit, and the words which the quickening Spirit speaketh to the soul, which are living, and give life to those that hear them ? ‘Hear, and your soul shall live !’ Hear his voice who giveth life, and your souls shall live by him ; but can any one live without hearing the voice of him, who alone is able to quicken and raise the soul from death, and out of the grave of sin ?

“The third thing is concerning the imputation of Christ’s righteousness, to such as believe in his name and power, which we have felt, witnessed, and own to be thus.

“God visits men by the light and power of his Holy Spirit, in their dead and dark estate, even while they are ungodly. Now, they that feel life, and in the quickenings of life, by the faith which comes from life, turn to the light and power which visits them, by this faith in the power, they are in measure transplanted out of the unholy root, into the holy root, where they partake of the nature and virtue of the true olive-tree ; and the mercy of the Lord, in and through his Son Jesus Christ, is spread over them, and their iniquities are pardoned, and their transgressions done away for his name sake, and they are reckoned by God, not as in the old root and unholy nature, but that whereon they lay hold by faith, and are in union with, they are reckoned by in the eye of the Lord ; and they are accepted and beloved in him in whom they are found, by him who transplanted them there, and ingrafted them thereinto. So that Christ is really theirs, and they his ; and what he did for them in his body of flesh is become theirs, and they have the benefit, and reap the sweet fruits of it. And if they sin afterwards, they have an advocate who pleads their cause with the Father, and who breathes livingly upon them again, and quickens faith in them, and gives them to turn from that which ran after them, and overtook them and defiled them. So that in this state of true faith in, and union with, the Son, the fountain is felt set open for sin and for uncleanness, which daily washeth away the pollutions and stains of the mind, which it is liable to in the travelling state.

“But now to every faith this doth not belong, but to the faith only which flows from the power of the endless life, and which stands in

re power. The faith which is from the power is precious, having precious nature and virtue in it, and very precious effects flow from it. For it is the substance of things hoped for; it is of a pure nature, which hath dominion, and giveth dominion over the wicked one. There is no overcoming of the saints here; for as it came from the power, so it stands near the power, and engages the power of life against the enemy, and so is still too hard for him. For he cannot resisteth the enemy in the true faith, still overcomes him and makes him fly, James iv. 7. But that belief on Christ, and applying his righteousness, which is not of this faith, nor in the true light of life, but according to the creature's apprehensions concerning things, that is not of the same nature with this, nor hath the same virtue, nor produceth the same effects; but notwithstanding such a believing and hoping, men are still in their sins, and they are not washed away from them by the blood of Christ, nor remitted or covered by the Spirit of the Lord. And oh! that men were wary, and did take heed in this matter, that they might not miss of trueardon from the Lord, and so find their sins bound by him, in the lays of his refreshing others!

“For there is a state, whercin there is an imputation of Christ's righteousness to persons reached to by the power of the Lord, and coming up out of the ungodly state, and so a real bringing into the righteousness. For in the true growth the soul grows more and more out of its own righteousness, out of the dark, corrupt image, into the righteousness of Christ, and into his pure image. Thus Christ is formed in the hearts of them that truly believe, daily more and more; they receiving him as an heavenly leaven, and giving up to be leavened by him, are changed daily more and more into the newness of Spirit, even until they become a new lump, even a lump wholly leavened, so that old things are passed away, and all things become new; that is, not of old Adam any more, but all of God in Christ, all of the new nature and Spirit, which is all of it righteous in the sight of God. Now this is it all should labour for and seek after, even the kingdom of God and his righteousness, to find an entrance ministered to them into the everlasting kingdom, and the righteousness thereof, that they might really put off the old man with his affections and lusts, and put on the new man; the new man's nature, the new man's image, the new man's spirit, the new man's righteousness, the new man's holiness; that they might have the wedding garment on to be married to Christ in, and might be as a bride prepared for the bridegroom. Oh! it is precious for any one to feel his soul in this state! And who would not travel and wrestle, and strive and watch, and pray and wait, that he might be thus fitted by the Spirit of the Lord for his Son Jesus Christ? For, friends, there is a coming under grace, under grace's wing, and out of shame and confusion because of sin, into the glory which is in the pure name; and there is a being changed from grace to grace, and from glory to glory, by the Spirit and power of the Lord. Oh! that such

as take upon them the profession of christianity, might feel the power, and wait upon the power, and know what it is to believe in the power, and live in the power; for without this the oppressed state of christianity is but dead, and dry, and cold, not having the true living sap and warmth in it. There are great deceits in the world about these things, but he that knoweth the truth as it is in Jesus, who was visited by the power, gathered to the power, and abides in the power, he hath that with him which anoints his eye and heart, and strengthens them against the most subtle devices and deceits of the transforming spirit. But whoever he be that professeth christianity, and is not here, he is not safe, but the enemy hath ways of bewitching and deluding him, which he hath not wherewith effectually to withstand and avoid.

“Now having nakedly expressed these things unto you, as they are in my heart, there is a question lies before me to propound to you, which deserves your serious consideration of, and ability to answer in the sight of the Lord, which is this :

“*Quest.* Do ye rightly, truly, and fully (as the Lord requireth of you) know, esteem, and honour the Son? Do ye own him as God hath revealed him in the spirits of his children, since the apostasy? Do ye feel him as an horn of salvation lifted up there? Do ye find and experience him revealed within by the Father, as the seed of the woman, bruising the head of the serpent? Oh! this is precious knowledge, and the right way of truly knowing him as he came from the Father, lived in obedience to him, suffered for the sins of the whole world, ascended again to the Father, and now sits with him in glory! For, indeed, it is the chief thing, and that whereon the soul's rest depends, to know and feel him near. Oh! that we were one here (I mean in the inward sense and acknowledgment of the Lord Jesus Christ), and we should soon be one in the other also!

“For we, who are reproachfully by many called **QUAKERS**, are (for the most part) a people who have much and long sought after the Lord, and after the experimental knowledge of those truths, which are testified of and related in the Holy Scriptures. We sought not after a new Christ, or a new Spirit, or new doctrines concerning Christ or his Spirit; but to know Christ, so as to receive life from him, and to live to him in the life and spirit received from him; this hath been the single aim and desire of our souls. And if men could with patience consider what we hold forth, and wait till God open their understandings, they would not lay such blame upon us as they do in many respects, but find that we reverence the Scriptures, believing and holding concerning the things of God according as is there expressed, from a true understanding received from the Lord, and in the true light and guidance of his Spirit. There is another question springs in my heart unto you, I beseech you consider of it seriously, perhaps there may be a blessing to you in it.

“*Quest.* Do ye rightly and weightily consider and embrace that

counsel of Christ, Matt. vi: 33 : ‘Seek ye first the kingdom of God, and his righteousness?’ Do ye mind what Christ likens the kingdom to? Even a grain of mustard-seed,—a pearl hid in a field, a little leaven, a lost piece of silver, &c. Do ye know, and are ye acquainted with that little thing which is like unto these? And do ye really and rightly seek after it? Do ye seek it where it is to be found? Do ye know the place where it is hid? And do ye take the right way to buy and purchase it? How is that? Why not by outward observation, saith Christ, but by inward sweeping the house; by keeping the eye upon it, and sweeping out the rubbish that covers it, this is the way to find it, purchase and possess it. Oh! that ye could all learn thus, and be thus exercised by the Spirit of the Lord daily. Surely they that thus seek shall find, and they that thus ask shall have, and they that thus knock, to them the everlasting kingdom shall be opened.

“For mark the difference between the state of the law and gospel. The law was a shadow of good things to come. The gospel is a state of enjoyment of the good things shadowed out under the law. The law was a type of the kingdom, of the spiritual kingdom of Christ, which is set up under the gospel. In John’s day the kingdom was at hand; but in the day of Christ’s power the kingdom is come. Under the law there was a tabernacle pitched by man; but under the gospel the true tabernacle and temple is witnessed, which God pitcheth and not man; and the holy, spiritual, heavenly sacrifices, and the living covenant, whereof Christ is the mediator, and the law written in the heart, and the Spirit of the Lord put within, so that his presence is as really witnessed inwardly, in that which is truly his tabernacle and temple now, as ever it was witnessed outwardly, in his outward tabernacle and temple under the law. Oh! that christians might not have the name only, but might be in the life and in the power, wherein these things are felt and experienced; for indeed the wonders of the Lord are seen in his temple, and his name is praised there, Selah. There he breaks the shield and the bow, the spear and the battle, Selah. There the enemy is overcome; the holy victory that bringeth him under, issueth out thence, Selah. There the well is opened, and the Philistine nature hath power to stop it no more, Selah. There the treasury of life and wisdom, and the riches of God’s goodness are made manifest for ever.

“Truly, friends, I have not lost anything that ever I had, or acknowledged of God in the days of my former profession, by believing in the light which God hath now revealed in me, but have it still with me, and in greater clearness and fuller demonstration than I then had it; but that of the flesh which mixed with it, and hindered it from being rightly serviceable to the Lord, and fully comfortable to me, that the Lord hath been removing by his searching light, and by the demonstration of his Spirit and power. And if at length, after all my deep and long misery,

the Lord hath given me to meet with and enjoy that which is truly excellent (among those whom men despise) I could heartily wish for you, that ye also might meet with and enjoy the same, without passing through that misery and bitter anguish and distress of spirit, through which the Lord led me thereto. The Lord preserve his people, by the arm of his mighty power, which he hath stretched out for them, and whereby he hath gathered them to himself. And those which are not yet of this fold, oh ! that it would please him to seek them out, and bring them home also ; that the Lord may be one, and his name one amongst us, and that that which divideth and scattereth from the living truth, might be scattered and brought to nought every where, in all who would be one, and desire to serve God (with one consent) in that which is true and pure. Amen."

From duodecimo, No. 134, of the Friends' Library, being a collection of tracts, containing a work entitled, "The Quakers cleared from being Apostates," viz.:

"We believe in one God, the Father Almighty, maker of all things, visible and invisible ; and in one Lord Jesus Christ, the Son of God, the only begotten Son of the Father, that is of the substance of the Father, by whom all things were made, both the things in heaven and the things in earth : who for us men, and for our salvation, came down and was incarnate ; he was made man ; he suffered, and rose the third day ; he ascended into the heavens ; he shall come to judge both the quick and the dead. And we believe in the Holy Ghost." Page 59.

"And for the trinity, as he calls it, we as much believe it as the Scripture declares it, viz. For there are three that bear record in heaven, the Father, the Word and the Holy Ghost, and these three are one." Page 63.

I shall next cite some passages from the standard works on the subject of the divinity and atonement. I will first read the testimony borne by George Whitehead, one of the early Friends, to the belief of George Fox in these important doctrines, viz.

"This our deceased friend and servant of Jesus Christ truly testified of him in all respects, both as come in the flesh, and in the spirit ; both as Christ was and is our only mediator and advocate, and as he was and is, God over all, blessed for ever ; whom he so dearly loved and honoured, that he often offered up his life, and deeply suffered for him, and that in dear and constant love to his seed, that a holy generation might be raised, strengthened, and increased in the earth, among the children of men. And his knowledge and ministry of our Lord Jesus Christ, being after the spirit in life and power, did no ways imply any lessening of the dignity or glory of Christ ; nor any defect of faith or love to Christ, as he came and suffered in the flesh for mankind, as some adversaries have injuriously misrepresented and aspersed him ; for he highly esteemed Christ's sufferings, death, resurrection, and glory ; and powerfully

testified of the virtue, power, blessed and spiritual design, fruit, and effects thereof, as revealed and witnessed by his Holy Spirit."

The next quotation is from George Fox's Journal, vol. i. p. 86.

"This priest Stevens asked me, 'Why Christ cried out upon the cross, 'My God, my God, why hast thou forsaken me?' and why he said, 'If it be possible, let this cup pass from me; yet not my will but thine be done?' I told him, at that time the sins of all mankind were upon him, and their iniquities and transgressions, with which he was wounded; which he was to bear, and be an offering for, as he was man, but died not as he was God; so in that he died for all men, tasting death for every man, he was an offering for the sins of the whole world. This I spoke, being at that time in a measure, sensible of Christ's sufferings."

In his Great Mystery, replying to one who asserted, "that every man should not have his sins pardoned," he says:

"Christ gave himself, his body, for the life of the whole world; he was the offering for the sins of the whole world, and paid the debt, and made satisfaction; and doth enlighten every man that comes into the world, that all, through him, might believe; and he that doth not believe in the offering, is condemned already." Page 63.

I will now read from a work entitled, "The Royal Law of God revived," by George Fox:

"And further saith the apostle in 1 John i. 1, 2. 'We have an advocate with the Father, Jesus Christ the righteous, and he is the propitiation for our sins, and not for ours only, but for the sins of the whole world.'

"Now mark, this is a large word for all people to take notice of, that Jesus Christ is the propitiation for the sins of the whole world. Therefore every one of you, in your own particulars, know this, that Christ Jesus, who is crowned with glory and honour, did taste death for every man; mark, for every man; and whosoever denies this doctrine is an antichrist; and preaches another, is a false preacher and seducer, and brings people to trouble and loss, from that which is right, and their due, in which is their satisfaction: so these are universal things to all mankind, whereby all mankind might come out of the earthly old Adam, in the fall and transgression, to him that hath died for them all, and purchased them all, and tasted death for all, and enlightened them all, and gave his grace to them all; and he willeth that all might be saved, and come to the knowledge of the truth of Christ, who doth this. And whoever teacheth another doctrine, brings people into sects and confusion, to destroy one another, where they have not natural affections, and will do that to another, which they would not have others to do unto them, who break the bonds whereby of civil commerce amongst mankind; and the religions, ways, and worships of all such, are no worships, religions, nor ways to God, but set up by a dark, peevish spirit, by which they destroy one another, which are God's creatures, about them; all which come

from him who is out of the truth, whom Christ came to destroy.”—
Page 19.

From a selection of Epistles of George Fox, by Samuel Tuke, I read the following, viz.

1676. “So every true believer will confess to Christ, his salvation, his way, light and life, out of death and darkness; his prophet to open to him, his captain and commander, to command and lead him; his counsellor, to counsel him; and his priest, who hath offered himself for him, and who sanctifies him, and offers him up to God: to whom be all praise and glory for ever. Amen.

“So important and essential did George Fox consider the knowledge and belief of the coming and offices of our Lord and Saviour Jesus Christ, that he exhorted his friends in America to impress them on the minds of the native Indians as well as the negroes under their care. This will appear from the following extract of an epistle, written by him in 1679, viz.

“And also you must instruct and teach your Indians and negroes, and all others, how that Christ by the grace of God, tasted death for every man, and gave himself a ransom for all men, to be testified in due time, and is the propitiation, not for the sins of christians only, but for the sins of the whole world; and how that he doth enlighten every man that cometh into the world with his true light, which is the life in Christ, by whom the world was made.

Again in 1687, “And if sometimes you should have some meetings with the Indian kings, and their councils, to let them know the principles of truth; so that they may know the way of salvation, and the nature of true christianity, and how that Christ hath died for them, who tasted death for every man; and so the gospel of salvation must be preached to every creature under heaven; and how that Christ hath enlightened them, who enlightens all that come into the world.”

From Barclay’s Apology, p. 41.

“For the infinite and most wise God, who is the foundation, root, and spring of all operation, hath wrought all things by his eternal Word and Son. This is that Word that was in the beginning with God, and was God, by whom all things were made, and without whom was not anything made that was made. This is that Jesus Christ, by whom God created all things, by whom, and for whom, all things were created, that are in heaven and earth, visible or invisible, whether they be thrones, or dominions, or principalities, or powers, Col. i. 16. who therefore is called, ‘The first born of every creature,’ Col. i. 15. As then that infinite and incomprehensible fountain of life and motion operateth in the creatures by his own eternal word and power, so no creature has access again unto him but in and by the Son, according to his own express words, ‘No man knoweth the Father, but the Son, and he to whom the Son will reveal him;’ Matt. xi. 27. Luke x. 22. And again, he himself

with, 'I am the way, the truth, and the life : no man cometh unto the Father but by me.' John xiv. 6.

"Hence he is fitly called, 'The mediator betwixt God and man : ' for having been with God from all eternity, being himself God, and also in time partaking of the nature of man, through him is the goodness and love of God conveyed to mankind, and by him again man receiveth and partaketh of these mercies."

Page 152: "But by this, as we do not at all intend to equal ourselves to that holy man, the Lord Jesus Christ, who was born of the Virgin Mary, in whom all the fulness of the Godhead dwelt bodily, so neither do we destroy the reality of his present existence, as some have falsely calumniated us. For though we affirm that Christ dwells in us, yet not immediately, but mediately, as he is in that seed which is in us ; whereas he, to wit, the eternal Word which was with God, and was God, dwelt immediately in that holy man. He then is as the head, and we as the members ; he the vine, and we the branches. Now as the soul of man dwells otherwise, and in a far more immediate manner in the head and in the heart, than in the hands or legs ; and as the sap, virtue, and life of the vine lodgeth far otherwise in the stock and root than in the branches, so God dwelleth otherwise in the man Jesus than in us. We also freely reject the heresy of Apollinarius, who denied him to have any soul, but said the body was only actuated by the Godhead. As also the error of Eutyches, who made the manhood to be wholly swallowed up of the Godhead. Wherefore, as we believe he was a true and real man, so we also believe that he continues so to be glorified in the heavens in soul and body, by whom God shall judge the world, in the great and general day of judgment."

Page 155: "Fourthly, We do not hereby intend any ways to lessen or derogate from the atonement and sacrifice of Jesus Christ ; but on the contrary do magnify and exalt it. For as we believe all those things to have been certainly transacted which are recorded in the Holy Scriptures concerning the birth, life, miracles, sufferings, resurrection and ascension of Christ ; so we do also believe that it is the duty of every one to believe it to whom it pleases God to reveal the same, and to bring to them the knowledge of it ; yea we believe it were damnable unbelief not to believe it, when so declared ; but to resist that holy seed, which as minded would lead and incline every one to believe it as it is offered unto them, though it revealeth not in every one the outward and explicit knowledge of it, nevertheless it always assenteth to it *ubi declaratur*, where it is declared. Nevertheless as we firmly believe it was necessary that Christ should come, that by his death and sufferings he might offer up himself a sacrifice to God for our sins, who his own self bare our sins in his own body on the tree ; so we believe that the remission of sins which any partake of, is only in and by virtue of that most satisfactory sacrifice, and no otherwise. For it is by the obedience of that one that the free gift is come upon all to justification. For we affirm,

that as all men partake of the fruit of Adam's fall, in that by reason of that evil seed, which through him is communicated unto them, they are prone and inclined unto evil, though thousands of thousands be ignorant of Adam's fall, neither ever knew of the eating of the forbidden fruit; so also many may come to feel the influence of this holy and divine seed and light, and be turned from evil to good by it, though they knew nothing of Christ's coming in the flesh, through whose obedience and sufferings it is purchased unto them. And as we affirm it is absolutely needful, that those do believe the history of Christ's outward appearance, whom it pleased God to bring to the knowledge of it; so we do freely confess, that even that outward knowledge is very comfortable to such as are subject to, and led by the inward seed and light. For not only doth the sense of Christ's love and sufferings tend to humble them, but they are thereby also strengthened in their faith, and encouraged to follow that excellent pattern which he hath left us, who suffered for us, as saith the apostle Peter, 1 Pet. ii. 21. leaving us an example that we should follow his steps: and many times we are greatly edified and refreshed with the gracious sayings which proceed out of his mouth. The history then is profitable and comfortable with the mystery, and never without it; but the mystery is and may be profitable without the explicit and outward knowledge of the history."

I will also refer the court to Barclay's Apology, p. 217, viz.

"Secondly, God manifested this love towards us, in the sending of his beloved Son the Lord Jesus Christ into the world, who gave himself for us an offering and a sacrifice to God, for a sweet-smelling savour; and having made peace through the blood of the cross, that he might reconcile us unto himself, and by the eternal Spirit, offered himself without spot unto God, and suffered for our sins, the just for the unjust, that he might bring us unto God.

"Thirdly then, Forasmuch as all men who have come to man's estate (the man Jesus only excepted) have sinned, therefore all have need of this Saviour, to remove the wrath of God from them, due to their offences; in this respect he is truly said to have borne the iniquities of us all in his body on the tree, and therefore is the only mediator, having qualified the wrath of God towards us; so that our former sins stand not in our way, being by virtue of his most satisfactory sacrifice removed and pardoned. Neither do we think that remission of sins is to be expected, sought, or obtained any other way, or by any work or sacrifice whatsoever; though, as has been said formerly, they may come to partake of this remission that are ignorant of the history. So then Christ by his death and sufferings hath reconciled us to God, even while we are enemies; that is, he offers reconciliation unto us; we are put into a capacity of being reconciled; God is willing to forgive us our iniquities, and to accept us, as is well expressed by the apostle, 2 Cor. v. 19. 'God was in Christ, reconciling the world unto himself, not imputing their trespasses unto them, and hath put in us the word of reconciliation.' And therefore

the apostle, in the next verses, entreats them in Christ's stead to be reconciled to God ; intimating that the wrath of God being removed by the obedience of Christ Jesus, he is willing to be reconciled unto them, and ready to remit the sins that are past, if they repent.

“ We consider then our redemption in a two-fold respect or state, both which in their own nature are perfect, though in their application to us the one is not, nor can be, without respect to the other.

“ The first is the redemption performed and accomplished by Christ for us in his crucified body without us : the other is the redemption wrought by Christ in us, which no less properly is called and accounted a redemption than the former. The first then is that whereby a man, as he stands in the fall, is put in a capacity of salvation, and hath conveyed unto him a measure of that power, virtue, spirit, life, and grace that was in Christ Jesus, which, as the free gift of God, is able to counterbalance, overcome, and root out the evil seed, wherewith we are naturally, as in the fall, leavened.

“ The second is that whereby we witness and know this pure and perfect redemption in ourselves, purifying, cleansing, and redeeming us from the power of corruption, and bringing us into unity, favour, and friendship with God. By the first of these two, we that were lost in Adam, plunged into the bitter and corrupt seed, unable of ourselves to do any good thing, but naturally joined and united to evil, forward and propense to all iniquity, servants and slaves to the power and spirit of darkness, are, notwithstanding all this, so far reconciled to God by the death of his Son, while enemies, that we are put into a capacity of salvation, having the glad tidings of the gospel of peace offered unto us, and God is reconciled unto us in Christ, calls and invites us to himself, in which respect we understand these Scriptures : He slew the enemy in himself. He loved us first ; seeing us in our blood, he said unto us, Live ; he who did not sin his own self, bare our sins in his own body on the tree ; and he died for our sins, the just for the unjust.

“ By the second, we witness this capacity brought into act, whereby receiving and not resisting the purchase of his death, to wit, the light, spirit and grace of Christ revealed in us, we witness and possess a real, true, and inward redemption from the power and prevalence of sin, and so come to be truly and really redeemed, justified, and made righteous, and to a sensible union and friendship with God. Thus he died for us, that he might redeem us from all iniquity ; and thus ‘ we know him and the power of his resurrection, and the fellowship of his sufferings, being made conformable to his death.’ This last follows the first in order, and is a consequence of it, proceeding from it, as an effect from its cause : so as none could have enjoyed the last, without the first had been, such being the will of God ; so also can none now partake of the first, but as he witnesseth the last. Wherefore as to us, they are both causes of our justification ; the first the procuring efficient, the other the formal cause.”

I next cite from 2d vol. of Penn's Works, p. 411 :

“Before I leave this particular, I must again declare, that we are led by the light and spirit of Christ, with holy reverence to confess unto the blood of Christ shed at Jerusalem, ‘as that by which a propitiation was held forth to the remission of the sins that were past through the forbearance of God unto all that believed.’ And we do embrace it as such ; and do firmly believe, that thereby God declared his great love unto the world ; for by it is the consciousness of sin declared to be taken away, or remission sealed to all that have known ‘true repentance and faith in his appearance.’ But because of the condition, I mean faith and repentance, therefore do we exhort all to turn their minds to the light and spirit of Christ within, that by seeing their conditions, and being by the same brought both into true contrition and holy confidence in God’s mercy, they may come to receive the benefit thereof ; for without that necessary condition, it will be impossible to obtain remission of sins, though it be so generally promulgated thereby.”

Page 867 : “We do believe that Jesus Christ was our holy sacrifice, atonement, and propitiation ; that he bore our iniquities, and that by his stripes we were healed of the wounds Adam gave us in his fall ; and that God is just in forgiving true penitents upon the credit of that holy offering Christ made of himself to God for us ; and that what he did and suffered, satisfied and pleased God, and was for the sake of fallen man, that had displeased God : and that through the offering up of himself once for all, through the eternal Spirit, he hath for ever perfected those (in all times) that were sanctified, ‘who walked not after the flesh, but after the Spirit.’ Rom. viii. 1. Mark that

“In short, justification consists of two parts, or hath a two-fold consideration, viz : justification from the guilt of sin, and justification from the power and pollution of sin, and in this sense justification gives a man a full and clear acceptance before God. For want of this latter part it is, that so many souls, religiously inclined, are often under doubts, scruples, and despondencies, notwithstanding all that their teachers tell them of the extent and efficacy of the first part of justification. And it is too general an unhappiness among the professors of christianity, that they are apt to cloak their own active and passive disobedience with the active and passive obedience of Christ. The first part of justification, we do reverently and humbly acknowledge, is only for the sake of the death and sufferings of Christ : nothing we can do, though by the operation of the Holy Spirit, being able to cancel old debts, or wipe out old scores : it is the power and efficacy of that propitiatory offering, upon faith and repentance, that justifies us from the sins that are past ; and it is the power of Christ’s Spirit in our hearts, that purifies and makes us acceptable before God.”

Page 869 : “And lest any should say we are equivocal in our expressions, and allegorize away Christ’s appearance in the flesh, meaning only thereby, our own flesh ; and that as often as we mention him, we mean only a mystery, or a mystical sense of him, be it as to

s coming, birth, miracles, sufferings, death, resurrection, ascension, mediation and judgment; I would yet add, to preserve the well disposed from being staggered by such suggestions, and to inform and reclaim such as are under the power and prejudice of them, that, we do, we bless God, religiously believe and confess, to the glory of God the Father, and the honour of his dear and beloved Son, that, Jesus Christ took our nature upon him, and was like unto us in all things, sin excepted: that he was born of the virgin Mary, suffered under Pontius Pilate, the Roman governor, was crucified, dead, and buried in the sepulchre of Joseph of Arimathea; rose again the third day, and ascended into heaven, and sits on the right hand of God, in the power and majesty of his Father; who will one day judge the world by him, even that blessed man, Christ Jesus, according to their works."

Vol. ii. page 885.—"1. It is our belief, that God is; and that he is a rewarder of all them that fear him, with eternal rewards of happiness; and that those who fear him not, shall be turned into hell. Heb. xi. 16. Rev. xxii. 12. Romans ii. 5, 6, 7, 8. Psalm ix. 17.

"2. That there are three that bear record in heaven, the Father, the Word, and the Spirit; and these three are really one. 1 John v. 7.

"3. That the Word was made flesh, and dwelt among men; and was, and is, the only begotten of the Father; full of grace and truth; his beloved Son, in whom he is well pleased, and whom we are to hear in all things; who tasted death for every man, and died for sin, that we might die to sin, and by his power and spirit be raised up to newness of life here, and to glory hereafter. John i. 14. Matt. iii. 17. Heb. ii. 9.

"4. That as we are only justified from the guilt of sin, by Christ, the propitiation, and not by works of righteousness that we have done, so there is an absolute necessity that we receive and obey, to unfeigned repentance, and amendment of life, the holy light and Spirit of Jesus Christ, in order to obtain that remission and justification from sin; since no man can be justified by Christ, who walks not after the Spirit but after the flesh; for whom he sanctifies, them he also justifies; and if we walk in the light, as he is light, his precious blood cleanseth us from all sin; as well from the pollution as the guilt of sin. Rom. iii. 22. to 26. viii. 1. 4. 1 John v. 7."

Vol. ii. page 880, 881.—"Of Christ's coming, both in flesh and Spirit.—Because the tendency (generally speaking) of our ministry, is to press people to the inward and spiritual appearance of Christ, by his Spirit and grace in their hearts, to give them a true sight and sense of, and sorrow for sin, to amendment of life and practice of holiness; and because we have often opposed that doctrine, of being actually justified by the merits of Christ, while actual sinners against God, by living in the pollutions of this wicked world; we are by our adversaries rendered such, as either deny or

undervalue the coming of Christ without us, and the force and efficacy of his death and sufferings, as a propitiation for the sins of the whole world. Whereas we do, and hope we ever shall, as we always did, confess to the glory of God the Father, and the honour of his dear and beloved Son, that He, to wit, Jesus Christ, took our nature upon him, was like us in all things, sin excepted; that he was born of the Virgin Mary, went about amongst men doing good, and working many miracles; that he was betrayed by Judas into the hands of the chief priests, &c.; that he suffered death under Pontius Pilate, the Roman governor, being crucified between two thieves, and was buried in the sepulchre of Joseph of Arimathea; rose again the third day from the dead, and ascended into heaven, and sits at God's right hand, in the power and majesty of his Father, and that by him, God, the Father, will one day judge the whole world, both of quick and dead, according to their works."

Vol. i. p. 762: "Also herein did Christ manifest his love, in laying down his life for us. 'This is my commandment,' said Christ, 'that ye love one another, as I have loved you; and greater love hath no man than this, that a man lay down his life for his friends; ye are my friends, if ye do whatsoever I command you.' Indeed he gave his life for the world, and offered up one common sacrifice for mankind: and by this one offering up of himself, once for all, he hath for ever perfected, that is, quitted and discharged, and taken into favour, them that are sanctified; who have received the spirit of grace and sanctification in their hearts; for such as resist it receive not the benefit of that sacrifice, but damnation to themselves.

"This holy offering up of himself by the eternal Spirit, is a great part of his messiahship; for therein he hath both confirmed his blessed message of remission of sins, and life everlasting, to as many as truly believe in his name, and hath given himself a propitiation for all that have sinned, and thereby come short of the glory of God: Insomuch that God is said by the apostle Paul, 'to be just, and the justifier of him which believeth in Jesus, whom God hath set forth to be a propitiation, through faith in his blood, to declare his righteousness for the remission of sins that are past, through the forbearance of God.'

"Unto which I shall join his mediatorship or advocacy, linked together both by the apostle of the Gentiles, and the beloved disciple John; the first in these words: 'For there is one God, and one mediator between God and men, the man Christ Jesus, who gave himself a ransom for all, to be testified in due time.' The apostle John expresseth it thus: 'My little children, these things write I unto you, that you sin not; and if any man sinneth, we have an advocate with the Father, Jesus Christ the righteous; he is the propitiation for our sins, and not for ours only, but also for the sins of the whole world.' So that to be brief, the christian creed, so far as it is declaratory, lies eminently in a confession of these particulars: of the divine authority of the New, as well of the Old Testament writings,

and particularly of these great, general, and obvious truths, therein expressed, to wit—of God, and Christ, his miracles, doctrines, death, resurrection, advocateship or mediation, the gift of his light, Spirit and grace—of faith, and repentance from dead works unto remission of sins, keeping his commandments; and lastly, of eternal recompence.”

From the 2d vol. of Isaac Pennington's Works, p. 248 :

“Having been lately at London upon occasion of a meeting between some of the people called Quakers, and some of the people called anabaptists, and other confederates, wherein I was somewhat concerned, being charged or brought in by Thomas Hicks, in his second book of dialogues, called, Continuation, p. 4, to prove, that the Quakers account the blood of Christ no more than a common thing; and having been at that meeting to clear my innocency in that particular; but the thing not then coming in question, and I being to return to my habitation in the country (though I staid also at a second meeting for that purpose;) it was on my heart, in the clearness and innocency thereof, to give forth this testimony, to take off that untruth and calumny of T. H. both from the people called Quakers, and myself; being both of us greatly therein injured, as the Lord God of heaven and earth knoweth. I have had experience of that despised people for many years, and I have often heard them (even the ancient ones of them) own Christ both inwardly and outwardly. Yea, I heard one of the ancients of them thus testify, in a public meeting many years since, that if Christ had not come in the flesh, in the fulness of time, to bear our sins in his own body on the tree, and to offer himself up a sacrifice for mankind, all mankind had utterly perished.

“What cause then have we to praise the Lord God, for sending his Son in the likeness of sinful flesh, and for what his Son did herein !”

Replying to one who charged him with considering the flesh and blood of Christ no more than a common thing, he says, p. 251 :

“Herein he represents me wicked, and makes me speak, by his hanging and adding, that which never was in my heart, and the contrary whereto I have several times affirmed in that very book where those several queries were put (out of which he forms this his own query, giving it forth in my name). For in the 10th page of that book, beginning at line 3, I positively affirm thus: that Christ did offer up the flesh and blood of that body (though not only so, for he poured out his soul, he poured out his life) a sacrifice or offering for us, in, a sacrifice unto the Father, and in it tasted death for every man; and that it is upon consideration (and through God's acceptance of his sacrifice for sin) that the sins of believers are pardoned, that God might be just, and the justifier of him who believeth in Jesus, or who is of the faith of Jesus. Is this common flesh and blood? Can this be affirmed of common flesh and blood? Ought not he to have considered this, and other passages in my book of the same

tendency, and not thus have reproached me, and misrepresented me to the world? Is this a christian spirit; or according to the law or prophets, or Christ's doctrine? Doth he herein do as he would be done by? Oh! that he had a heart to consider it! I might also except against those words: human nature (which he twice putteth in) being not my words, nor indeed my sense; for by human nature, as I judge, is understood more than the body: whereas I, by the word veil, intended no more than the flesh (or outward body), which in Scripture is expressly so called. Heb. x. 20. 'Through the veil, that is to say, his flesh.' "

In p. 256: "Now as touching the outward, which ye say we deny, because of our testimony to the inward, I have frequently given a most solemn testimony thereto; and God knoweth it to be the truth of my heart; and that the testifying to the inward (from which the outward came) doth not make the outward void, but rather establish it in its place and service. God himself, who knew what virtue was in the inward, yet hath pleased to make use of the outward; and who may contradict or slight his wisdom and counsel therein? Glorious was the appearance and manifestation of his Son in flesh; precious his subjection and holy obedience to his Father; his giving himself up to death for sinners was of great esteem in his eye! It was a spotless sacrifice of great value, and effectual for the remission of sins: and I do acknowledge humbly unto the Lord the remission of my sins thereby, and bless the Lord for it; even for giving up his Son to death for us all, and giving all that believe in his name and power to partake of remission through him."

From Thomas Ellwood's reply to a work written by Geo. Keith, entitled "The Deism of William Penn," &c. I take the following, viz.

"Now herein G. Keith's both injustice and malice is the greater, in charging W. Penn, and his brethren the Quakers, with deism; inasmuch as he assuredly knows (which some other adversaries have not had the like opportunity to know, as he hath had) by certain experience, drawn by so many years intimate conversation with W. Penn and the Quakers, in free and familiar conferences, and in reading their books, that W. Penn and the Quakers, both in word and writing, publicly and privately, have always, and on all occasions confest, acknowledged, owned as well as believed, the incarnation of Christ, according to the Holy Scriptures, viz. that 'The word was made flesh.' That 'When the fulness of time was come, God sent forth his Son made of a woman, made under the law, to redeem them that were under the law.' That 'Christ Jesus being in the form of God, and thinking it no robbery to be equal with God, made himself of no reputation, and took upon him the form of a servant, and was made in the likeness of men; and being found in fashion as a man, he humbled himself, and became obedient unto death, even the death of the cross.' 'Christ died for our sins, according to the Scriptures, and that he was buried, and that he rose again the third day, according to the Scriptures.' That 'He was delivered for our

offences, and was raised again for our justification.' That 'He is the propitiation for our sins; and not for ours only, but for the sins of the whole world.' That 'He ascended up far above all heavens, that he might fill all things.' That 'He is one mediator between God and men.' That 'He is at the right hand of God, and maketh intercession for us.' And is 'our advocate with the Father.' And 'That it is He which was ordained of God, to be the Judge of quick and dead.' These things, I say, G. Keith certainly knows have been constantly held, believed, professed and owned by W. Penn and his brethren the Quakers in general, both privately and publicly, in word and writing. These things are so often testified of in our meetings, and have been so fully and plainly asserted and held forth in our books, that we might call in almost as many witnesses thereof, as have frequented our meetings, or attentively read our books."

P. 33: "Yet he himself well knows, that neither he, nor W. Penn, nor any of the Quakers, ever were deists; ever did deny, disown, or disbelieve the coming, incarnation, sufferings and death of Christ, as man outwardly in the flesh, his resurrection, ascension and mediocrity; and he himself has undesignedly acquitted W. Penn from his present charge of deism, by a story he told in his first Narrative, page 98. That upon some urging him to give an instance of one English Quaker that he ever heard pray to Christ: W. Penn, being present, said, I am an Englishman, and a Quaker, and I own I have oft prayed to Christ Jesus; even him that was crucified. 'This, he says, was in the year 1678. Which was five years after the publishing of that book, from which he attempts to prove him a deist; that is, a denier of the man Christ Jesus, who was crucified.'"

From a book, entitled "The Switch to the Snake in the Grass," p. 7 and 8 of the Introduction:

"The Quakers dispute against these, viz. the outward sufferings and death of Christ, and place the merit and satisfaction, in the allegorical sufferings and blood of their light within, inwardly shed,' &c.

"This assertion of the Snake is not allegorically, but literally, a lie; for we acknowledge the satisfaction made by Christ to his Father, but we do deny that groundless and dangerous notion, of his having paid, and his Father exacted, that strict and rigorous satisfaction, by undergoing the self-same punishment and pains that the damned suffer in hell.

"We own the merit of his outward death and sufferings, but dispute against the misapplication of that merit, to ungodly men, continuing impenitently in their sins.

"We own and believe, that men, by continuing impenitently in their sins, do press, as with sheaves, the Holy Spirit, and by such, their despite to the Spirit of Grace, do grieve the good Spirit of God, which he hath shed abroad upon the hearts of men, in order to their regeneration. But have never said or believed, that the satisfaction made by Christ to the Father, and the merit thereof, con-

sisted in any allegorical suffering and blood of the light within, inwardly shed.

“We own and believe, that men, through obedience to the Spirit of grace, may come to have their consciences sprinkled from dead works, to serve the living God; and may, through the blood of the everlasting covenant, be made perfect in every good work to do the will of God, through Jesus Christ. But have never placed, or believed the possibility thereof, did consist in such allegorical death and sufferings, as the Snake does insinuate against us; no more than the apostle, in these and other places of Holy Writ, where he directs men to the Word, Christ, in them, can be supposed to undervalue the outward death and sufferings of Christ, at Jerusalem, and to place the satisfaction he made to the Father, and the merit of it, to consist in these his spiritual appearances, by the Holy Spirit, in the hearts of men.”

I shall next proceed to lay before the court some extracts respecting the belief of the society as to the inspiration of the Holy Scriptures: and the court, I doubt not, will excuse us for the time which must necessarily be occupied in reading them. Many extracts on this subject have been cited by the learned counsel on the other side, which we shall be able to show are substantially in accordance with the doctrines which we profess to hold. It is, therefore, requisite that we should submit to your honours some extracts on the subject of doctrine as given in the standard works. I read first from Barclay's Apology, p. 81.

“From these revelations of the Spirit of God to the saints have proceeded the Scriptures of truth, which contain,

“I. A faithful historical account of the actings of God's people in divers ages; with many singular and remarkable providences attending them.

“II. A prophetic account of several things, whereof some are already past, and some yet to come.

“III. A full and ample account of all the chief principles of the doctrine of Christ, held forth in divers precious declarations, exhortations, and sentences, which by the moving of God's Spirit were at several times, and upon sundry occasions, spoken and written unto some churches and their pastors.

“Nevertheless, because they are only a declaration of the fountain, and not the fountain itself, therefore they are not to be esteemed the principal ground of all truth and knowledge, nor yet the adequate primary rule of faith and manners. Yet because they give a true and faithful testimony of the first foundation, they are and may be esteemed a secondary rule, subordinate to the Spirit, from which they have all their excellency and certainty: for as by the inward testimony of the Spirit we do alone truly know them, so they testify, That the Spirit is that guide by which the saints are led into all truth; therefore, according to the Scriptures, the Spirit is the first and principal leader. Seeing then that we do, therefore, receive and

believe the Scriptures because they proceeded from the Spirit, for the very same reason is the Spirit more originally and principally the rule, according to the received maxim in the schools, *Propter quod unumquodque est tale, illud ipsum est magis tale*: That for which a thing is such, that thing itself is more such.

“I. The former part of this proposition, though it needs no apology for itself, yet it is a good apology for us, and will help to sweep away that, among many other calumnies, wherewith we are often loaded, as if we were vilifiers and deniers of the Scriptures; for in that which we affirm of them, it doth appear at what high rate we value them, accounting them, without all deceit or equivocation, the most excellent writings in the world; to which not only no other writings are to be preferred, but even in divers respects not comparable thereto. For as we freely acknowledge that their authority doth not depend upon the approbation or canons of any church or assembly; so neither can we subject them to the fallen, corrupt, and defiled reason of man: and therein as we do freely agree with the protestants against the error of the romanists, so on the other hand, we cannot go the length of such protestants as make their authority to depend upon any virtue or power that is in the writings themselves; but we desire to ascribe all to that Spirit from which they proceeded.”

P. 97: “If it be then asked me, whether I think hereby to render the Scriptures altogether uncertain, or useless?

“I answer; not at all. The proposition itself declares how much I esteem them; and provided that to the Spirit from which they came be but granted that place the Scriptures themselves give it, I do freely concede to the Scriptures the second place, even whatsoever they say of themselves which the apostle Paul chiefly mentions in two places, Rom. xv. 4. ‘Whatsoever things were written aforetime, were written for our learning, that we through patience and comfort of the Scriptures might have hope.’ 2 Tim. iii. 15, 16, 17. ‘The Holy Scriptures are able to make wise unto salvation, through faith which is in Jesus Christ. All Scripture given by inspiration of God, is profitable for correction, for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto every good work.’”

P. 99: “In this respect above-mentioned then we have shown what service and use the Holy Scriptures, as managed in and by the Spirit, are of to the church of God; wherefore we do account them a secondary rule. Moreover, because they are commonly acknowledged by all to have been written by the dictates of the Holy Spirit, and that the errors which may be supposed by the injury of times, to have slipt in, are not such but that there is a sufficient clear testimony left to all the essentials of the christian faith; we do look upon them as the only fit outward judge of controversies among christians; and that whatsoever doctrine is contrary unto their testimony, may therefore justly be rejected as false. And for our parts,

we are very willing that all our doctrines and practices be tried by them; which we never refused, nor ever shall, in all controversies with our adversaries, as the judge and test. We shall also be very willing to admit it as a positive certain maxim, *That whatsoever any do, pretending to the Spirit, which is contrary to the Scriptures, be accounted and reckoned a delusion of the devil.* For as we never lay claim to the Spirit's leadings, that we may cover ourselves in any thing that is evil; so we know, that as every evil contradicts the Scriptures, so it doth also the Spirit in the first place, from which the Scriptures came, and whose motions can never contradict one another, though they may appear sometimes to be contradictory to the blind eye of the natural man, as Paul and James seem to contradict one another."

From the 2d vol. of Penn's Works, p. 48 :

"We end the chapter with this brief summary of the whole.

"First, That by revelation we understand the discovery and illumination of the light and Spirit of God relating to those things that properly and immediately concern the daily information and satisfaction of our souls in the way of our duty to him and our neighbour.

"2d. That we renounce all fantastical and whimsical intoxications, or any pretence to the revelation of new matter in opposition to the ancient Gospel declared by Christ Jesus and his apostles: and therefore not the revelation of new things, but the renewed revelation of the eternal way of truth."

P. 62 : "But methinks this our demonstration should satisfy all; when neither man nor Scriptures are near us, yet there continually attends us that Spirit of truth, that immediately informs us of our thoughts, words, and deeds; and gives us true directions what to do, and what to leave undone; is not this the rule of life? If ye are led by the Spirit of God, then are ye sons of God. Let this suffice to vindicate our sense of a true and unerring rule, which we assert not in a way of derogation from those holy writings, which with reverence we read, believe, and desire always to obey the mind and will of God therein contained; and let that doctrine be accurst that would overturn them."

P. 878. "Concerning the Holy Scriptures.—Because we assert the Holy Spirit to be the first great and general rule and guide of true christians, as that by which God is worshipped, sin detected, conscience convicted, duty manifested, Scripture unfolded and explained, and consequently the rule for understanding the Scriptures themselves, (since by it they were at first given forth) from hence our adversaries are pleased to make us blasphemers of the Holy Scriptures, undervaluing their authority, preferring our own books before them, with more to that purpose; whereas, we, in truth and sincerity, believe them to be of divine authority, given by the inspiration of God, through holy men; they speaking or writing them as they were moved by the Holy Ghost: that they are a declaration

of those things most surely believed by the primitive christians, and that as they contain the mind and will of God, and are his commands to us ; so they, in that respect, are his declaratory word ; and therefore are obligatory on us, and are 'Profitable for doctrine, reproof, correction and instruction in righteousness, that the man of God may be perfect, and thoroughly furnished to every good work.'

"Nay, after all, so unjust is the charge, and so remote from our belief concerning the Holy Scriptures, that we both love, honour and prefer them, before all books in the world ; ever choosing to express our belief of the christian faith and doctrine in the terms thereof, and rejecting all principles or doctrines whatsoever, that are repugnant thereunto."

From a defence of the society of Friends written by William Chandler, and approved and published by the yearly meeting of Philadelphia, in 1717, I read the following, viz.

"We therefore desire our well disposed neighbours, candidly to weigh what we have to allege against the clamours of those, who, to be sure will not set us out to our best advantage ; and to receive an account from ourselves what we are, and what we believe and hold for christian truths ; who certainly must needs know better our own belief, than those who perhaps never examined it to any other end than to find fault, if ever they did it ; and also that you will not think it strange, that we express not our belief in some particulars, in the affected terms of other professors of christianity, but think it more reasonable and safe to content ourselves with that dress of language, in which the Holy Ghost thought fit to hand them to us in the Holy Scriptures ; those most excellent and divine writings, which, above all others in the world, challenge our reverence and most diligent reading ; those oracles of God, and rich christian treasury of divine saving truths, which were written for our learning, that we through patience and comfort of them may have hope ; and are profitable for doctrine, reproof, correction, and instruction in righteousness, to the perfecting and thoroughly furnishing of the man of God to every good work, making him wise unto salvation, through faith which is in Jesus Christ, containing all christian doctrines necessary to be believed for salvation, and are a sufficient external standard and touchstone to try the doctrines of men ; and we say with the apostle, whosoever shall publish and propagate any other gospel and faith, than is therein testified of to us by those inspired penmen, who were the first promulgators thereof, though he were an angel, let him be accursed : all which and whatsoever is therein contained, we as firmly believe as any of you do ; and as 'tis the duty of every sincere christian, we are heartily thankful to God for them, who, through his good providence, hath preserved them to our time, to our great benefit and comfort."

From a collection of tracts, 134 duod., being a work printed in 1696, and entitled "The Quakers cleared from being Apostates," p. 44.

“The first [calumny] is, our not only despising, but formally rejecting the Scriptures. In answer to which I must tell him, ‘like the rest, absolutely false, for we neither now think, nor ever thought them other than admirable writings, given by the inspiration of the Holy Ghost, and look upon it as a great and wonderful providence of God, that it was his divine pleasure to have them preserved to this day, for the comfort and instruction of his true worshippers, and to bear witness to the truth of what we profess, to the glory and honour of his immortal name.’”

“Now, although we do not commonly call the Scriptures the word of God, because we distinguish between them and Jesus Christ who is called in Scripture the word of God, yet it is not in the least to derogate from the honour and dignity that is due thereto, but because it is an attribute peculiar to Jesus Christ, the Word : although as they declare the mind of God with respect to us, and are his commands to us, they may in that respect be called the word or command of God ; and so the Quakers own and esteem them, and rejoice in them, since they afford such a comfortable history of the dealings of the Lord with his people through many generations, and of the coming of his Son, our Lord Jesus Christ ; his birth, works, doctrine, miracles, sufferings, death, resurrection, ascension, glorification, and present mediation, and of his coming at the end of the world to judge both quick and dead ; of the resurrection of the just and unjust, with many more precious and comfortable doctrines, all which are contained in the Holy Scriptures, and written for our learning, that by faith in Christ, the man of God, through them may be thoroughly furnished to every good word and work.” P. 56

Richard Claridge, in his Treatise on the Holy Scriptures, says :

“We do sincerely and unfeignedly believe the following propositions :

“1. That the Holy Scriptures of the Old and New Testament were not of any men’s private setting forth, but were given by inspiration of God.

“2. That they do contain a clear and sufficient declaration of all doctrines, in common to be believed, in order to eternal life and salvation.

“3. That the Holy Scriptures are the best outward rule and standard of doctrine and practice.

“That whatsoever, either doctrine or practice, though under pretensions to the immediate dictates and teachings of the Spirit, is contrary to the Holy Scriptures, ought to be rejected and disowned, as false and erroneous : For ‘ whatsoever is not read therein, nor may be proved thereby, is not to be required of any man, that it should be believed as an article of faith.’

“5. That the Holy Scriptures contain the sayings or words of God, are divine writings, which claim the precedence of all others, and we do esteem them as such ourselves, and under this character recommend them to others.

“6. That there ever was, and is, a most sweet concord and harmony between the teachings of the Spirit and the testimony of the Holy Scriptures; and that there is no inconsistency or contradiction between the one and the other, notwithstanding that great diversity of men’s opinions and sentiments, under the profession of Christianity. For we do believe, that if pride, prejudice, and self-interest were laid aside, and men would, in humility of mind, sincerity of heart, and abasement of self, wait upon the Lord for the teachings of his Spirit, they would be taught by him, the very truth as it is in Jesus, and come to know that blessed and heavenly unity in the things of God, from which they are now so divided and subdivided, both among themselves and in opposition to one another.”

We might quote passages of similar import to those I have read on those subjects, for days together, if it were necessary that we should do so ; but we have only selected a few for the purpose of illustrating the doctrines which the society holds. In respect to this kind of evidence, as to doctrines, I refer to the opinion of Chief Justice Ewing. That judge, in delivering his decision, did not think it necessary to go into both the points of faith, alleged in the bill, and which the court will remember are two ; namely, secession from doctrine, and breach of discipline ; but we find in the following passage, a striking proof of what would have been his opinion if he had gone into that inquiry. In p. 45 of his decision, he says :

“This matter of religious faith and doctrine of a creed, has directly or indirectly filled up a large portion of the volumes of evidence before us, was the subject of many remarks in the arguments of the counsel at the bar of this court, has been the cause of much anxiety and alarm ; and misunderstandings in respect to it, have, I doubt not, had great influence in bringing about the lamented rupture in this most respectable society. I fear the matter has been greatly misunderstood, if not greatly misrepresented. This society has, and from the nature of things, must have, its faith and doctrines, its distinguishing faith and doctrines. They would, unhesitatingly, repudiate the tenets of Confucius, of Bramah, or of Mohammed. They believe ‘in Christ, and him crucified.’ They bear both public and private testimony of their faith. They have repeatedly declared it, and published it to the world. They have a confession of faith, and a catechism. A declaration of faith was issued on behalf of this society, in the year 1693, was approved by the morning meeting of London, and published by the yearly meeting of Philadelphia, in or about 1730. It is, I suppose, the same which is to be found in Sewel’s History. (Vol. ii. 472.) It purports to be ‘A declaration of what our christian belief and profession has been and is,’ and contains an exposition of belief, in respect to Jesus Christ, his suffering, death, and resurrection, and the general resurrection of the dead, and the final judgment. Sewel, (Vol. ii. 483,) gives what he calls ‘a confession of faith,’ which was, by George Whitehead and others, presented to parliament, in December, 1693, and begins thus, ‘Be it

known to all, that we sincerely believe and confess.' The yearly meeting, as early as 1701, by their direction and at their expense, circulated Barclay's Apology, and his Catechism and Confession of Faith, as containing the doctrines and tenets of the society of Friends. What is a creed but an exhibition of faith and doctrine? Why, then, should the tocsin now be sounded among a people, who, a well informed member tells us, have more frequently than any other religious community, exhibited to the world their principles and their faith? Were the early Friends less anxious for the cause of truth, less jealous of encroachment on their religious freedom, less willing to bear testimony against error, and to suffer for their testimony, less prompt to discern insidious efforts, less fearful of attempts to trammel conscience or abridge the right of private judgment? The observations of Robert Barclay, in a treatise on church government, published under the sanction of the society, and several times printed by the yearly meeting of Philadelphia, (Thomas Evans, vol. i. Evid. 304,) are fraught with so much good sense, practical wisdom, and genuine piety, that they cannot be too frequently pondered by all, of every name or sect, who feel an interest in the cause of religious truth and order. "Whether the church of Christ have power in any cases that are matters of conscience, to give a positive sentence and decision, which may be obligatory upon believers? I answer affirmatively, she hath; and shall prove it in divers instances, both from Scripture and reason; for, first, all principles and articles of faith which are held doctrinally, are, in respect to those that believe them, matters of conscience.—Now, I say, we being gathered into the belief of certain principles and doctrines, without any constraint or worldly respect, but by the mere force of truth on our understanding, and its power and influence upon our hearts, these principles and doctrines, and the practices necessarily depending upon them, are, as it were, the terms that have drawn us together, and the bond by which we became centered into one body and fellowship, and distinguished from others. Now, if any one or more, so engaged with us, should arise *to teach any other doctrine or doctrines*, contrary to these which were the ground of our being one, who can deny but the body hath power in such a case to declare, *this is not according to the truth we profess*, and therefore, we pronounce *such and such doctrines to be wrong*, with which we cannot have unity, nor yet any more spiritual fellowship with those that hold them.—Now, this cannot be accounted tyranny and oppression.—Were such a principle to be received or believed, that in the church of Christ no man should be separated from, no man condemned or excluded the fellowship and communion of the body, for his judgment or opinions *in matters of faith*, then what blasphemies so horrid, what heresies so damnable, what doctrines of devils but might harbour itself in the church of Christ? What need then of sound doctrine, if no doctrine make unsound?—Where a people are gathered into the belief of the *principles and doctrines* of the gos-

pel of Christ, if any of that people shall go from their principles, and assert things false, and *contrary to what they have already received*, such as stand and abide firm in the faith have power—to separate from such, and to exclude them from their spiritual fellowship and communion. (Barclay's Anarchy of the Ranters, 53, &c.) On the present occasion it is not my purpose, because for the determination of the controversy before us, I do not find or deem it necessary, to inquire whether the society of Friends can, or may, or will, according to their rules, disown a member who holds unsound or heretical doctrines, who should disavow all the essential principles of christianity, and profess to believe that Jupiter and Mars and Apollo, and the fabled deities of Olympus are the true gods, or that the 'blood of bulls and of goats should take away sins,' but simply to show that the society as such, have their faith, their principles, their doctrines, their peculiar faith, their distinctive principles, their characteristic doctrines, without which a man may be a heathen, a mohammedan, or even a christian, but cannot be one of the people called Quakers. Can I mistake in this, when I read such a passage as I have quoted from Barclay, a standard of the society, acknowledged, received, revered as such? What is his work just named, what is his 'Apology,' but an exposure of doctrine, of principle, of faith, of the doctrine, principle and faith of the Friends, avowed by them, published by them, resorted to by them as their light and guide in the hours of darkness, and doubt, and difficulty; in those trying hours, which come to them as they come to all men of religious feeling, when the light within needs oil, and the flickering flame of hope to be made steady and brilliant. Can I mistake, when the book of discipline, with uncommon solicitude, requires each preparative meeting of ministers and elders no less than three times in every year, to certify to its quarterly meeting, in answer to one of the queries, 'whether ministers are sound in word and doctrine?' Soundness is a relative term, meaning freedom from error and fallacy, and necessarily requiring some standard whereby the word and the doctrine may be judged. The doctrine to be sound, must be conformable to some standard; and does not the query, then, assert that a standard exists in this church; and that thereby the doctrine of the minister, may, by his fellow man, be compared and tried? If, however, I may mistake in thus reverting to these venerated sources, let us for a moment, recur to the evidence. Abraham Lower, (vol. 1. Evid. 369.) says, in connexion with this subject, 'The society believing now as they did, in the first foundation of it, that the bond of union, by which it was bound together, was and is, the life of righteousness.' Is not here a direct assertion, that there is a belief, and a belief not merely of individuals, but of the society as such? And he refers for an exposition, published and expressed, to the author and the book from which I have just quoted. In this connexion, I recur farther, to the first document emanating from Green street, dated fourth month, 1827. 'Doctrines held by one

part of the society, and which we believe to be sound and edifying, are pronounced by the other party to be unsound and spurious.' Now I may be allowed to ask, why speak of doctrines, if the society, as such, has no concern with them? How are doctrines ascertained to be unsound and spurious, or sound and edifying, if there be no standard of faith and doctrine—no creed? Why should this difference or departure from a sound belief, be made a subject of complaint? How is such a denunciation to be reconciled with the alarm at a creed, or the dreaded attempt to control conscience and abridge the right of private judgment?"

My object here is to show the views of the late chief justice; that is to say, that the society of Friends have doctrines, and that the course which we have taken to prove what they were, is perfectly in accordance with his opinions. We have referred to the standard works which were published, declaratory of their faith, and the judge considers these as furnishing full and satisfactory evidence of these doctrines.

The next circumstance to which I shall call your attention on this subject, is the fact that all those yearly meetings into which the infidelity of Elias Hicks has not entered, and whose members have kept themselves aloof from this controversy, are in unity with our yearly meeting, and that they have refused to recognize as a meeting of the society of Friends, the yearly meeting established by the "Hicksite" party. This is an important circumstance. It derives great importance from the intimate and peculiar relationship which exists between these yearly meetings, and inasmuch as that intimate relationship has been resorted to by the counsel on the other side as an argument in their favour on another point, it is entitled to great weight and consideration. The opposite party have attempted to show that there is a close connexion existing between the various yearly meetings; that the ministers travel from one to another under the authority of a certificate, and that they have a right under that authority to preach on doctrinal matters. We admit the fact; but does not this show that in respect to doctrines, there is a connexion between them. We do dispute one of their charges; we say that if wrong doctrines are preached, the officers, or other duly qualified persons, have a right to interfere. And the whole history of this society shows this fact, and that there has been a harmony and correspondence kept up between its various branches in all parts of the world, which is scarcely known in any other religious association. Allow me here to refer the court to 3 Desaussure's Eq. Rep. 557, the case of *Smith v. Smith*. The controversy arose between the ancient York masons and the Lodge masons, and ultimately led to a suit in the court of chancery. The question was, which of the two divisions was entitled to the property. Evidence from persons disconnected with the association and residing in other states was offered and admitted. The chancellor says, "that the opinions of the members of foreign lodges holding the same principles, are entitled to great weight in deciding

the question." Now apply this principle to the present case. The yearly meetings that have kept aloof from this raging dis- who are totally disconnected with it, and the court will find every yearly meeting in existence in the world, where this atic influence has not been felt, recognizing our party as con- g the true yearly meeting. They are skilled in the question rines, and are perfectly competent to judge upon the subject of ntroversy: there is no fetter on their consciences, and such has been the result. There is also another thing to be borne d, as one of the peculiar characteristics of this society. The ers are constantly travelling from one yearly meeting to an- they are not confined to the same state nor to the same con- ; they traverse the seas from one part of the world to another, constant intercourse is kept up between the relative societies, spreading of their doctrines, by the preaching of their minis- id by the carrying on communications in all portions of the where the members of this society are to be found. Is not this d to some weight in the settlement of this fact. Thomas , in Evidence, vol. 1. p. 309, states this fact to be so. And even am Lower himself, admits it in his own peculiar way. I refer to a e in the testimony of that witness, which is to be found in vol. 18-9. Now this was an important consideration in such a con- y. A society is split into two parties on these great cardinal doc- which have perplexed and dissevered the numerous religious tions of the earth, almost ever since the commencement of ristian era; and in which these men have hitherto united, but ect to which they are now completely dissevered.

offer this important circumstance to the consideration of the as conclusively proved: these various yearly meetings were loof from the infidelity of Elias Hicks, and they one and all ecognized us as the true yearly meeting at Philadelphia. Now meeting in London was poisoned by these doctrines, how is it e witnesses have not shown it. But let the court take into eration the fact, that at the very period at which these unsound es were spreading here, there were duly approved ministers ngland travelling within the limits of this yearly meeting. And ad full opportunity to hear Hicks' doctrines for themselves. l not avail for the witnesses on the other side to endeavour to ice our case by indulging in personal abuse: by charging us rejudicing the minds of the society in England, or with being en, and acquiring our wealth by speculations in custom-house

The court is not to be thus imposed upon. Is this the de- tic prejudice which has been so much talked about? Are these table and enlightened men to be treated thus contumeliously, e be told that because they are rich men, they are to have no in- e in the society? If the counsel on the other side could manu- e a court out of this, which should be governed by no rule, and by no legal principle, such considerations as these might have

their operation. As it is, I apprehend, but little value will be attached to them.

The court adjourned.

Saturday Afternoon.

MR. WOOD resumed :

The witnesses who have been examined have testified not only to the doctrines of ancient Friends, but to the doctrine of Friends of the present day, and those on the side of J. Hendrickson, testify also to their own belief in those doctrines. I refer here particularly to the testimony of Samuel Bettle, Evidence, vol. i., page 58, 59 :

“The society have avoided the term trinity—they, however, hold the doctrine of the Father, Son, and Holy Ghost, as stated in the New Testament, and they prefer confining their statements of views in relation to that doctrine, to the terms used in the New Testament. They have avoided the use of the word person, and three distinct persons, as not, in their apprehension, scriptural; and as conveying, in their apprehension, an idea too gross for so sublime and spiritual a subject. I have always understood that in all other respects, the society hold fully the doctrine as held by other protestant sects of christians—avoiding the term person, being the only difference between them of which I am aware, in reference to this particular doctrine.

“The society of Friends do believe in the doctrine of the atonement, and have always so believed. They believe, and what they understand by the term *atonement* is, that our Lord and Saviour, Jesus Christ, suffered without the gates of Jerusalem, offering himself up a propitiatory sacrifice for the sins of the whole world—and that by this offering, through faith, repentance, and obedience, man may become purified from sin. Their creed on this doctrine is in the words of the New Testament; they take it as they find it. Witness uses the term creed here, as synonymous with belief. It is believed by the society, that in no other way than by the atonement of our Saviour, can man be purified from sin. This is the way appointed by God—that is, by the offering up of the body and blood of Jesus Christ, without the gates of Jerusalem; by the efficacy of which, through faith, repentance, and obedience, remission of sins is received. This has always been fundamental with the society.

“They believe that Jesus Christ was born of the Virgin Mary, agreeably to the declaration of the evangelist, John, in substance, that ‘In the beginning was the Word, and the Word was with God, and the Word was God.’ That the Word was made flesh, or took flesh, and dwelt among men—and that this Word that was made flesh, was the same Jesus that was born at Bethlehem, miraculously conceived and born of the Virgin Mary, for the great, and necessary, and holy purposes mentioned in the New Testament, in-

dispensable through the inscrutable counsels of God, for the salvation of man. This is also fundamental, and always has been. In addition to what the witness has said above, respecting the 'trinity,' he now further saith, that the society believe, and hold, and always have so believed, that the Father, Son, and Holy Ghost are one, these three are one,'—they always express it in that way.

“The society also believe in the resurrection and ascension of the body of our Lord and Saviour Jesus Christ, as it is clearly expressed and taught in the Scriptures, corroborated by his speaking from heaven in his glorified state, declaring in his own words, ‘I am Jesus of Nazareth.’

“The society believe that the Scriptures were given forth by holy men as they were inspired by the Holy Ghost—and they have always received them as the outward test and rule of doctrine—and that all doctrines which are inconsistent with the doctrines of the Scripture, are to be rejected. Barclay is very full and explicit on his subject, and very strong language he uses. These doctrines are the ancient doctrines of the society, and have always been held by them since my acquaintance with them.”

William Jackson, page 98, 99 : “I am a member of the society of Friends—according to the record of my birth, I was born on the fourteenth day of seventh-month, 1746, and I have been a member of the society from my birth—my parents and grandparents before me, were members of, and intimate with, the leading members of, the society—from the period of my earliest recollection, I have been in the habit of attending the meetings of the society ; as well meetings of business as of worship—have been a minister in that society since about the year '75, and prior to that time had been in the habit of taking an active part in conducting the affairs of the society, in some respects. I have travelled extensively in this country, and in Europe, that is, in England, Ireland, Scotland, and Wales, where there were Friends, visiting the different meetings of the society. In those travels I had many opportunities of hearing many of the most eminent ministers of the society, as well as of private intercourse with them—have often heard such ministers, both in their public testimonies and private discourses. I can name some of those eminent ministers. I think Samuel Fothergill was the first I can name ; he had several meetings, where I heard him—after him, from England, I could name, Thomas Gothrup, Samuel Spavold, William Ricket ; these were some of the first in my remembrance ; and I have named them in rotation, as I heard them. These were all before the year 1760. From that period down, there were a great number. John Storer, John Griffith, Samuel Neal, Robert Walker, these were all before the revolutionary war, (some of those named above, as being before 1760, came over the second time,) there were others also besides these, that I have not named. At the conclusion of the war, and a very short time after it, John Storer came a second time, and John Townsend, and Thomas Colly. Approved ministers

of the society have been in the habit of visiting this country, at intervals, from that time to the present. I recollect several eminent ministers of the society, of this country, at the periods of which I have spoken. John Churchman, William Brown, Daniel Stanton, Joseph White, John Scarborough, Thomas Ross, Isaac Andrews, Mark Reeve, John Reeve, William Matthews, Isaac Everitt; there were many others. The greater part of these mentioned, have been deceased from forty to sixty years ago; some of them I have travelled with. All of those mentioned, were approved ministers of standing in the society of Friends—divers of them visited Friends in Europe at different times. I had an opportunity of hearing the public testimonies of all those I have mentioned, as well as others who were cotemporary with them: and also the private discourses of many of them. From these sources, I got my acquaintance with the principles and doctrines of the society, so far as what could be obtained in that way—by these sources, I mean, from the public testimonies and private discourses of those eminent ministers, as well as what was written and published by the society. I still continue my attendance at the yearly meeting of that society, held in Philadelphia. I have had continued intercourse with eminent and approved ministers of the society, and those who have been active in teaching its principles and doctrines. The principles and doctrines held by the society, at the present time, as fundamental of the christian religion, are the same principles and doctrines which were held by them at the early times I have mentioned—I know of no alteration. The principles and doctrines taught by the approved ministers of the society, of the present day, are the same with those taught by Samuel Fothergill, and the other eminent ministers of former times, of whom I have spoken. I have never heard anything to the contrary.”

Page 100: “It was the common report that Elias Hicks was in unity with, and accepted by the Green and Cherry street meetings. I understood it so. I have had a conversation with Elias Hicks on the subject of the divinity of our Saviour, and the divine origin of the Scriptures. The conversation arose from this circumstance: I was at a meeting in New York, and in the course of what he said there, in his public testimony, in a public meeting for worship, he uttered such sentiments as I never heard from any Friend, in the whole course of my life. The substance of it, or that part that affected me most, was the manner in which he expressed himself with respect to our Saviour; bringing him down to the level of a man, saying, that ‘he was put to death by the hands of wicked men and suffered as a *martyr*,’ as ‘*many others since that time had done.*’ Never having heard such sentiments delivered, either by professor or profane, I thought it my duty, as a brother, to go to his house and have a further conversation with him on the subject; accordingly I went, a few days after, and had an opportunity with him. I do not recollect that there were any persons present but ourselves. I let him

know my uneasiness, and we had considerable discourse on the subject. I cannot now pretend to remember so as to relate all of it; but so far he went, as to assert, that 'there was as much Scripture testimony to prove that he was no more than the son of Joseph and Mary, as there was to prove to the contrary.' I brought forward the testimonies of the two evangelists, Matthew and Luke; and he said, 'that they were but fables, or fabulous;' that 'they were no more than fables.' I was exceedingly astonished at him; for, as I said before, I had never heard such language from either professor or profane. He said he was confident of what he said; it was a thing impossible; spirit could only beget spirit, it could not beget material matter. I said some things in objection, but cannot recollect what I said; in the course of the conversation he further said, 'It is believed God is a spirit. Dost thou believe it? I believe it: spirit can only beget spirit,' and repeated it several times, asserting, that he was as confident of it, as that he was standing there talking with me. Then I said to him, 'Elias, if this be thy belief, how came the creation of the world?' His answer to my question was, 'what of the creation?' I said to him, 'why, the account of the creation we have in the Bible?' Then he replies to me, 'why that's only Moses's account.' Then I replied to him, 'is it not a sufficient account for us to believe?' His answer to that was, '*it is but an allegory*;' and there the conversation ended. It was then drawing near sun down, and I had a good way to walk."

Thomas Willis, page 108: "I have always, from my youth up, been in the habit of attending the meetings of the society, both for business and worship. During that period, I have had frequent opportunities of hearing the public testimonies, as well as the private discourses, of approved and eminent ministers of that society.

"From these sources, and the standard works of the society, I have made myself familiar with the principles and doctrines of the society. We have, as a religious society, always believed in the divinity of our Saviour—in the atonement—and in the divine authority and character of the Scriptures. We have, that is, the society has, always acknowledged the belief of the miraculous conception and birth of our Saviour, as it is narrated in the New Testament. These doctrines have always been considered as fundamental in the society. From ancient records, and the settled practice of the society at different periods, an avowal of a disbelief in any or either of these doctrines, held by the society, if persisted in, would subject such person to disownment. By the records of the society, this appears to have been the practice at all periods of the society since its existence."

Joseph Whittall, page 213: "I am a member of the society of Friends, and have been a member a little over forty years. I have been considered as a minister in that society. From my situation as a minister in the society, I have had frequent opportunities of hearing its doctrines from their approved ministers, promulgated by

them both in their public communications and private discourses, for the space of forty years past. In relation to the doctrine, commonly called the 'doctrine of the trinity,' as far as my knowledge extends, they have ever fully believed in the Scripture trinity, or holy three of Father, Word or Son, and Holy Spirit, and that these three are one—but they have generally avoided using the word 'trinity,' as it is not found in the Scriptures. This is, I believe, their simple belief in relation to what is called the trinity. In relation to the 'doctrine of atonement,' they have always believed that by the sufferings and death of Christ, the sins of believers were remitted.

"In relation to the character of the Holy Scriptures, and their divine inspiration and authority, they have ever believed that they were written by holy men, as they were inspired by the Holy Ghost. These doctrines have ever been considered fundamental by the society—and the promulgation of a disbelief in them, or any of them, by a member, I understand, to be clearly a sufficient ground of disownment."

But no stronger evidence of the doctrines of Friends can be given, than the extracts which were put on the minutes of the meeting for sufferings in 1823, and which has been so much objected to by the opposite party as a creed. To show the character of these extracts, we will turn to the works from which they have been taken.

(Here Mr. D. B. Smith read the various passages from the writings of ancient Friends, and thus comparing what he read with the extracts on page 214 of the 2d vol. of Testimony, thereby verifying them.)

My object in referring to so many passages, is to show that those doctrines which are in controversy, and which we have shown to be the old doctrines of the society of Friends, are actually adopted by the true society of Friends at the present day, and are contained in the extracts, as they appear in the minutes of the meeting for sufferings.

But the opposite counsel has said that we have not proved that the preparative meeting at Crosswicks which we represent here have adopted their doctrines. What! when we show that they have been adopted by the yearly meeting to which we belong, can it be said we have given no evidence that we have adopted them! They are the doctrines not only of the ancient society of Friends, but of the present yearly meeting of which we claim to be a constituent part.

In the case of *Den v. Bolton*, in 7 Halsted's Reports, the late chief justice says, "that the terms on which the member of a religious society ought to hold his station, is a *profession of its faith, and submission to its government.*" If we make the same profession of faith as the yearly meeting, and submit to its discipline, that ought to be sufficient. It is to be presumed that a man holds the same faith as a religious society, when he professes to belong to it. It is strange that any further evidences should be required.

I have no further original evidence to offer, and shall now take up some of the extracts advanced on the other side.

I understood the gentleman who is counsel for the opposite party to say, that many of the primitive friends held the doctrines which we have stated to be the doctrines of the society, and that many did not. They might, according to him, exhibit in their belief, all the colours of the rainbow, provided only they adhered to the doctrine of the light within. Under the influence of this spiritual guide, whether real or fanciful, they might believe as they pleased.

The gentleman has had the sagacity to discover what no man else could ever discover : a religious society composed of unitarians and unitarians, each of whom was zealous for his particular faith, and all worshipping together in peace and harmony. The discovery, if successfully made, would mark a new era in the history of the religious world. He has, however, failed to show this strange anomaly in the extracts he has brought forward ; for, when closely examined, there will be found no material difference in their standard writers.

If it shall be borne in mind to what a great extent the early Friends were engaged in religious controversy, and that controversial writers generally push their arguments too far, and that, of course, no religious society is bound by what is advanced by any of its authors in the heat of argument, we shall be astonished to see the perfect harmony there is in these writers. In the heat of argument, most writers go beyond the mark. If they do, their errors cannot reflect on their society, especially when their genuine sentiments upon religious subjects are exhibited in their declarations of faith, their catechisms, and in the preaching of their approved and accepted ministers, from age to age.

Much has been said by the gentleman on the other side, to place the doctrines of this society in strong contrast with those of other christian professors, and to prove that Friends differed from these on the great cardinal doctrines of religion. But he totally failed to establish his position, and if we may believe the testimony of Penn, than whom a higher or better authority cannot be adduced, so far from differing, they substantially agree in all the principal articles of the christian faith. In 2d Penn's Works, p. 881, at section 16th, we have some remarks on the subject of these doctrines, viz.

"Because we are separated from the public communion and worship, it is too generally concluded that we deny the doctrines received by the church, and consequently introduce a new religion : whereas we differ least where we are thought to differ most ; for, setting aside some school terms, we hold the substance of those doctrines believed by the church of England, as to God, Christ, Spirit, Scripture, repentance, sanctification, remission of sin, holy living, and the resurrection of the just and unjust to eternal rewards and punishments. But that wherein we differ most, is about worship and conversation, and the inward qualification of the soul, by the work of God's spirit

thereon, in pursuance of these good and generally received doctrines."

This is the testimony of a writer, from whom passages have been cited on the opposite side, to show that he did not believe in their doctrines as we have stated them : in other words to prove that he was a socinian. Yet he says Friends agree with the church of England, in all the cardinal doctrines of the Bible, excepting some school terms.

Charges of socinianism have been repeatedly made against the society by a few insignificant writers. They were made in a work called the "Snake in the Grass," written by one Leslie, by George Keith, and by Francis Bugg. They always called forth immediately explicit denials of the charges on the part of the society, made in the most public and authoritative manner. But your honours have now before you a most extraordinary spectacle. Here is a party, claiming to be of this society, repeating these charges, which were formerly made only by their enemies, bringing forward these very passages, and cited against them by their enemies as evidence of socinianism, which passages have been over and over again explained by the society, and the charges based upon them explicitly denied, claiming to be members on the very grounds which ancient Friends were so forward and so anxious to disclaim. Well may the ancient church say, in the emphatic language of the psalmist, "If an enemy had done this deed, I could have borne it: but it was even thou, my companion——mine own familiar friend."

I do not intend to take up all the extracts brought forward by the other side. It would occupy too much time.

On the subject of the divinity of the Saviour, and of the doctrine of the three in one, it will be necessary to advert to the difference between Friends and the church of England. This has been fully stated and illustrated by William Penn. He was attacked for not using the word person: and obliged to defend himself. This forced him, in the "Sandy Foundation Shaken," to show to what improper results, according to his conception, the doctrine of the three *persons* in one God would lead. He says, "there cannot be three separate *persons*, if by three persons be meant three *distinct subsistencies*, for then they will be three distinct Gods."

On this they claim Penn as a unitarian; but Penn, in his answer to Thomas Vincent, says, on p. 264: "We have never denied the Father, Son, and Spirit, but only men's inventions." He admits the three that bear record, and that these three are one. But he inquires how they can be three persons? Undoubtedly, he says, if by this is meant that they are distinct as three separate and incommunicable beings, it cannot be true, for this would be to deny another important truth, namely, the unity of God. And as it cannot be true in this sense, it is better to leave it as we find it in Scripture, and not attempt any explanation, which in fact amounts to an addition to the ideas revealed in Scripture upon this great but mysterious subject.—When you take up Penn, and bear in mind the peculiar views and

objects, you see he does not advance anything repugnant to the belief which we ascribe to the society in reference to this important truth. This controversy was carried on by George Whitehead and William Penn, in conjunction; and when they were accused of blasphemy, and of denying the divinity of Christ and his atonement, by Thomas Vincent, G. Whitehead replies thus, viz:

"He states the objection made by William Maddox, one of Thomas Vincent's coadjutors, as follows: 'You, by refusing to call them the three divine Heen, have made it manifest, that your quarrel is not with the word "person," as some then apprehended; but with the doctrine, or fundamental truth expressed by the three persons, viz: the model distinction, and essential union, or oneness of the Father, Son, and Holy Ghost.' To which George Whitehead answers, 'It is manifest that some of the hearers, that were present at our debating this matter, had a better apprehension and understanding of us, than you prejudiced opposers had: for some of them apprehended, that we opposed your unscriptural terms; and words put upon the Deity, and not that we opposed either the divinity, or union of Father, Son, or Holy Ghost; neither did we in the least, go to quarrel with any fundamental truth. Yea, and it was evident to many, that we found fault with your miscalling and misrepresenting the Father, the Word, and the Spirit; and never in the least opposed, nor questioned their being three such as mentioned in the Scripture; to wit—the Father, Son, and Holy Ghost; but there openly confessed to the fundamental truth of them, in Scripture terms.' P. 83.

Again—"And as for his (T. Vincent's) railing against William Penn, and accusing him, with denying that the Lord Jesus Christ is God, and of denying the divinity of Christ, and Holy Ghost; and with thrusting the Lord Jesus Christ off, from the throne of his Godhead, &c. I have not yet perceived any strength, or weight of argument, from either T. Vincent, or his brethren, that has convicted William Penn as guilty herein; his showing the absurdity of T. Vincent's doctrines, and both unscriptural and unreasonable distinctions, and his denial thereof, is neither a denial of the Son, nor Spirit, nor the divinity of either; but the apparent falseness of these railing accusations, with the consequences thereof, against William Penn in this thing, touching the divinity of Christ, &c., appears in his [William Penn's] own book, (viz. Sandy Foundation, &c.)" P. 14.

George Whitehead then complains of T. Vincent's falsely comparing William Penn to Arius, and thus proceeds—"But further, how evidently has William Penn, in his 18, 19, 21, pages, owned and confessed Christ, the Son of God, and his light and grace, both for remission of sins, reconciliation, salvation of men, life eternal, and as he is the only begotten of the Father, the gift and expression of eternal love for salvation. Now can anything have, or work, these effects, that is not divine? Is not Christ's divinity, virtue, divine light, and power, plainly confessed by William Penn herein, as also to his being God, page 21. How grossly have these presby-

terians wronged him, in charging the contrary upon him; are not *they* rather justly chargeable herein, with denying the divinity of Christ, in setting so slight, by his light in every man, as they have done; one calling it an idol, another cautioning not to follow its guidance—but the divinity of Christ and the honour due to him, far be it from us to deny, as these men have done: and the Scripture instances in that case, we both know and own. John iii. 13, viii. 58. Rom. ix. 5. Phil. ii. 6. 10. Col. i. 16, 17. Heb. i. 3, 8.”

In reply to the charge of socinianism, George Whitehead remarks, “I have heard of some beyond the sea, that went under that name, socinians; who were accused of denying the divinity of Christ; but I know of none here, that either deny the divinity of Christ, or him to be of one substance with the Father; if our opposers do know of any such, they may tell *them* of it, and not accuse the innocent with the guilty, as they have done to us. We had not our principles either from Arius or Socinus, neither did we ever deny the divinity of Christ, or his being of the same substance with the Father, as Arius, Socinus, and others are accused; so that therein we are very unjustly compared and misrepresented, for which I can say, the Lord forgive these our prejudiced opposers. But it is no strange thing for us to be called by nicknames, by these and such false accusers; for one while, they were wont to revile us for wanting learning, being illiterate, &c., another while, they accused us falsely, with being Free-Willers, Arminians, &c., because we plead for the free grace of God to all men; and now we are falsely reckoned socinians, and most injuriously accused with denying the divinity of Christ, the Son of God, which we are ever always clear of; still confessing him, according to the Scriptures, both in his sufferings, dominion, and glory, who is the same yesterday, to-day, and for ever.”—*Whitehead's Divinity of Christ*, pages 32, 33, 34, 38, 39.

Francis Bugg made the same charge as is now brought against Penn, and adduced the Sandy Foundation as his authority for it.—To this Richard Claridge, a highly esteemed writer among Friends, replies in these words, viz:

“That which William Penn refuted, was not the doctrine of the Holy Trinity, as it is declared of in the Scriptures of truth; but the notion of three distinct and separate persons, as the title page plainly shows; or the trinity of distinct and separate persons in the unity of essence, page 12. The imagined trinity, page 16. For William Penn sincerely owned, and doth own, the Scripture trinity, Father, Son, and Holy Ghost. Matt. xxviii. 19, &c.” Richard Claridge then proceeds to make many Scripture quotations, to show that the three are one. In a note upon this passage, he gives the following extract from William Penn's Key, page 17, edit. 1693. “They, [the Quakers,] believe in the Holy Trinity of Father, Word, and Spirit, John i. xiv. 9. Rom. ix. 5. 1 John v. 7. And that these three are truly, and properly one.” “They own the Scripture trinity,

Holy Three, of Father, Word, and Spirit, to be truly and properly one. That Christ is God, and that Christ is man; that he was in the flesh, died, rose again, ascended and sits on God's right hand, the only sacrifice and mediator for man's happiness."—*Ibid.* pages 33, 34.

The Sandy Foundation is considered the strongest evidence of rejection of the doctrine of the trinity: but no such conclusion can be drawn from it. His enemies, indeed, had Penn cast into prison, on account of what he had said. While there he wrote "Innocency with her open Face;" showing that the charge was unfounded. In page 268 he says:

"Wherefore, I am still confirmed in the belief of Christ the Saviour's divinity; for he that made all things, and by whom they exist and are upheld, because before all things; he was not made or upheld by another, and consequently is God. Now that this GOD, or Word that was made flesh, or Christ the light, power and wisdom of God, and Saviour of men, hath made all things, and he by whom they only consist and are upheld, because he was before them, is most evident from the recited passages of Scripture; therefore he was not made, nor is he upheld by any other power than his own, and consequently is truly God. In short, this conclusive argument for the proof of Christ the Saviour's being God, should plainly persuade all sober persons of my innocency, and my admirer's malice; he that is the everlasting wisdom, the divine power, the true light, the only Saviour, the creating word of all things, (whether visible or invisible) and their upholder by his own power, without contradiction God; but all these qualifications and divine properties are by the concurrent testimonies of Scripture ascribed to the Lord Jesus Christ; therefore, without a scruple, I call and believe him really to be the mighty God. And for a more ample satisfaction, let but my reply to J. Clapham be perused, in which Christ's divinity and eternity is very fully asserted.

"Judge then, impartial readers, (to whom I appeal in this concern,) whether my christian reputation hath not been unworthily traduced; and that those several persons who have been posting out their books against me (whilst a close prisoner) have not been beating the air, and fighting with their own shadows, in supposing what I never meant, much less writ of, to be the intention of my book; and as so furiously have fastened on me their own conceits, expecting they should feel the smart of every blow, who thus far am no ways interested in their heat."

In a letter, written in 1673, to Dr. John Collinges, who had taken many exceptions to the Sandy Foundation Shaken, William Penn makes the following declarations, viz:

"And now I will tell thee my faith in this matter; I do heartily believe, that Jesus Christ is the only true and everlasting God; by whom all things were made, that are made, in the heavens above, or on earth beneath, or the waters under the earth; that he is, as our

nipotent, so omniscient, and omnipresent, therefore God. This is confessed by me, in two books, printed a little before the *Sandy Foundation Shaken*, viz: *Guide Mistaken*, page 28, and *Truth Exalted*, pages 14, 15; also at large, in my '*Innocency with her open Face.*'"

"He that would not have me mistaken, on purpose to render his charge against me just, whether it be so or not, may see in my apology for the *Sandy Foundation Shaken*, that I otherwise meant, than I am characterized. In short, I say, both as to this, and the other point of justification; that Jesus Christ *was a sacrifice for sin*, that he was set forth to be a propitiation for the sins of the whole world; to declare God's righteousness for the remission of sins that are past, &c., to all that repented, and had faith in his Son. Therein the love of God appeared, that he declared his good will thereby to be reconciled; Christ bearing away the sins that are past, as the scape-goat did of old, not excluding inward work; for, till that is begun, none can be benefited, though it is not the work, but God's free love that remits and blots out, of which, the death of Christ, and his sacrificing of himself, was a most certain declaration and confirmation. In short, *that* declared remission, to all who believe and obey, for the sins that are past; which is the first part of Christ's work, (as it is a king's to pardon a traitor, before he advanceth him,) and hitherto, the acquittance imputes a righteousness, (inasmuch as men, on true repentance, are imputed as clean of guilt as if they had never sinned,) and thus far justified; but the completing of this, by the working out of sin inherent, must be by the power and spirit of Christ in the heart, destroying the old man and his deeds, and bringing in the new and everlasting righteousness; so, *that* which I writ against, is such doctrine as extended Christ's death and obedience, not to the first, but this second part of justification; not the pacifying [of] conscience, as to past sin; but to complete salvation, without cleansing and purging, from all filthiness of flesh and spirit, by the internal operation of his holy power and spirit: concerning these points, I refer thee to two books, written not long since by me, called '*Quakerism, a New Nickname for Old Christianity,*' and '*Reason against Railing;*' in which these points are fully discussed, as also '*The Divinity of Christ,*' written by George Whitehead."

Take up all the passages cited by the opposite party, and you will find that, instead of denying the divinity of the Saviour in the doctrine of the three in one, they are a mere denial of the word person, because, as they allege, there is no Scripture to warrant it.

This circumstance will furnish an explanation to all the passages cited on the other side, and to all the charges of socinianism brought against them, as well by their enemies as their pretended friends.

I shall now proceed to the doctrine of the atonement.

The object of those on the other side has been, to show that the primitive Friends did not believe in the propitiation by the external sacrifice of Jesus Christ without the gates of Jerusalem, but allego-

nised whatever related to that subject, and considered a spiritual sacrifice as the sole and exclusive means of salvation. I shall, on the contrary, show that they considered the external sacrifice as an *actual* and *effective* atonement: but asserted that it does not *complete* the work of redemption, or exclude the necessity of that great change of heart, by the operation of the Holy Spirit, which is set forth in the sacred Scriptures.

It is a fact well known to the readers of ecclesiastical history, that a sect called the antinomians rose up, or were revived about the time of Cromwell. They held that the atonement was a *complete* satisfaction for the sins of those who were embraced in it, and, therefore, let them live as they might, their salvation was sure. This was the doctrine which was attacked by Friends. While admitting that the atonement effected an actual remission of past sins, they maintained that another work was necessary, namely, the operation of divine grace on the heart, as it is called by other sects, or the light within, as it is termed by the Friends, and leading to repentance and good works, formed an additional prerequisite to the effectual salvation of the sinner. It was in opposition to this antinomian doctrine that these passages adduced by the opposite party were written and directed.

In some passages which have been cited from Penn's *Sandy Foundation Shaken*, he was attacking the doctrine of the justification of *impure* persons by imputed righteousness. You will bear in mind the word "*impure*," for this is necessary for a proper understanding of his argument.

These antinomians hold it impossible for God, in the exercise of his power, to justify men in any other way than through the satisfaction rendered by Jesus Christ. Penn says, in reply to them, you cannot limit the power of God. He has chosen this particular way: but he might, for ought we know, have chosen another.

They read a passage from 1st Penn's Works, page 574, to show that he was not sound on the subject of the atonement.

Here he is advancing the doctrine, that obedience to the Divine Light, or grace of God, is essential to salvation from sin: but he does not deny that the sacrifice on Calvary was a satisfaction for past sins. He gives you both doctrines. You have, if you view it in its true light, precisely the doctrine of all other societies who believe in the divinity of the Saviour. In the very same treatise, and only three or four pages from the passage they have quoted, we find Penn holding this language, viz. Works, vol. i. p. 577, 578.

"But there is yet a farther benefit that accrueth by the blood of Christ, viz. That Christ is a propitiation and redemption to such as have faith in him. For though I still place the stress of feeling of a particular benefit, upon the light, life and spirit revealed and witnessed in every particular person, yet in that general appearance there was a general benefit justly to be attributed unto the blood of that very body of Christ which he offered up through the Eternal

Spirit, to wit, that it did propitiate. For, however it might draw stupendous judgments upon the heads of those who were authors of that dismal tragedy and bloody murder of the Son of God, and died impenitent, yet doubtless it is thus far turned to very great account, in that it was a most precious offering in the sight of the Lord, and drew God's love the more eminently unto mankind, at least such as should believe in his name, as his solemn prayer to his Father at his leaving the world, given us by his beloved disciple doth plainly witness.

“For how can it otherwise be, but that it should render God most propitious to all such as believe in Christ, the Light of the world, when it was but placing of his only begotten Son's sufferings truly on their account, that should ever believe and obey him. Yea doubtless, greatly did that sacrifice influence to some singular tenderness, and peculiar regard unto all such who should believe in his name, being the last and greatest of all his external acts, viz. The resisting unto blood, or the spiritual good of the world, thereby offering up his life, upon the cross, through the power of the Eternal Spirit, that remission of sin, God's bounty to the world might be preached in his name, and in his very blood too, as that, which was the most ratifying of all his bodily sufferings. And indeed, therefore, might it seem meet to the Holy Ghost, that redemption, propitiation and remission should be declared, and held forth, in the blood of Christ unto all that have right faith therein, as saith the apostle to the Romans, ‘Whom God hath set forth to be a propitiation through faith in his blood:’ and to the Ephesians; ‘In whom we have redemption through his blood, the forgiveness of sins,’ &c. because it implies a firm belief, that Christ was come in the flesh, and that none could then have him as their propitiation or redemption, who withstood the acknowledgment of, and belief in his visible appearance, which John tells us some denied. 2. That he came in order to the remission, redemption and salvation of the world. 3. That his so dying was both an evident token of his love, and strong argument of confirmation of his message and work.”

By garbled extracts, taken from various parts of the writings, the Hicksites have thrown upon Friends the accusations which were formerly cast upon them by their enemies, and by their enemies only.

From George Fox's Doctrinals they have also cited a passage which they maintain favours their views. They say that Friends, by an atonement, did not mean an actual atonement; but speak of it spiritually as a work in the mind. All christians speak of it in this way, believing that, in addition to the external sacrifice by which is effected the remission of sins, there is a repentance effected through the operation of the Holy Spirit, sanctifying the heart, which is also essential. The prominent exhibition of the one by a writer on a particular occasion, and for a particular purpose, is no evidence that he means to reject the other work on the mind to be ne-

necessary. That Fox did not mean to deny the actual atonement, is evident from the passages immediately previous to and succeeding that read by the gentleman on the opposite side, viz. p. 644, 645.

“So the blood of the old covenant was the life of the beasts and other creatures; and the blood of the new covenant is the life of Christ Jesus, who saith, ‘Except ye eat my flesh, and drink my blood, ye have no life in you,’ John vi. 53.

“So the blood of the new covenant is not according to the old; and so with this blood of the new covenant must every one feel their hearts sprinkled, if they have life; and in this new covenant they shall all know the Lord, &c. And by this blood of Jesus, his life in the new covenant, they are justified, in whom we have redemption and the forgiveness of sins, and Christ hath purchased his church with his own blood, his life, and their faith doth stand in his blood, which is the life of the lamb. Therefore the apostle saith, ‘If ye walk in the light, as he is in the light, then have ye fellowship one with another, and the blood of Christ Jesus his Son cleanses from all sin.’

“So it is not the blood of bulls, goats, or the blood of other creatures, which was the blood of the old covenant, nor their outward washings in it, that takes away sin; but the blood of the new covenant, which is the blood of the lamb without blemish, Christ Jesus, the blood of the Lamb, the life of the Lamb, with which Christ, the High Priest sanctifies, ‘cleanses and redeems; and he washes with his own life, his blood; yea, he sprinkles the altar of their hearts, that they may offer a sacrifice of praise to God continually, that is, the fruits of our lips giving thanks to his name.’ ”

The next passage cited by them is from Barclay, page 358, and by simply reading the part directly following that at which they stop, the drift of the author will be seen, viz.

“For if the outward, distinct, knowledge of him, by whose means I receive benefit, were necessary for me, before I could reap any fruit of it; then by the rule of contraries it would follow, that I could receive no hurt, without I had also the distinct knowledge of him, that had occasioned it: whereas experience proves the contrary. How many are injured by Adam’s fall, that know nothing of ever there being such a man in the world? or of his eating the forbidden fruit? why may they not then be saved by the gift and grace of Christ in them, making them righteous and holy, though they know not distinctly, how that was purchased unto them by the death and sufferings of Jesus, that was crucified at Jerusalem; especially seeing, God hath made that knowledge simply impossible to them.”

Barclay’s object here, is to show that persons may be saved who have *heard* neither of the fall nor of the atonement; that as it is evident many suffer by the fall, who never heard of the fall, so they may be saved by the atonement though they never heard of the sacrifice on Mount Calvary which effected it. Thus in every passage which they have quoted, if the court will take the trouble to read

the context they will perceive that the doctrines advanced are in accordance with those stated in our bill, and in the explanations which I have given. The object of the other party is to show, that when speaking of the atonement, the early friends meant an atonement made by Christ in them. This is a perversion of their doctrines. In Whitehead's *Christian Progress* this subject is thus noticed by him, page 149 :

“Whether the blood that Jesus Christ shed at Jerusalem, is the blood that believers are justified by? Or whether he dies in men for their justification?”

“*Answer.* Both sanctification, forgiveness of sins, cleansing from sin, and justification, are sometimes ascribed to the blood of Christ, and to the Spirit of our God and our Lord Jesus Christ, which effects, works, and manifests the same in all true believers.

“But here are two questions put for one; the first appears not a Scriptural or proper question, where does the Scripture use those words, viz: *the blood that Jesus Christ shed?* Seeing it was by wicked hands he was put to death, and his blood shed upon the cross? Yet as the blood of Jesus Christ is put for, or represents his life which he laid down, and even the offering and sacrifice of himself at Jerusalem, that was a most acceptable sacrifice and of a sweet smelling savour to God, for mankind, respecting his great dignity and obedience who humbled himself even to the death of the cross, and gave himself a ransom for all men, for a testimony in due time. And his sacrifice, mediation and intercession, hath opened a door of mercy for mankind to enter in at, through true repentance toward God, and faith toward our Lord Jesus Christ, which are wrought in man (that obeys his call thereto) only by his grace and good Spirit unto sanctification and justification, in the name and power of our Lord Jesus Christ, who of God is made unto us wisdom, righteousness, sanctification and redemption. God's great love toward mankind, was manifest in his dear Son Jesus Christ; ‘and God was in Christ, reconciling the world to himself, not imputing their trespasses unto them.’ 2 Cor. v. 19.

“The latter question of the second is groundless and perverse, we know neither Scripture nor minister among us, that asserts Christ's dying *in* men for their justification, but that once he died, i. e. for our sins, and rose again for our justification, and that he ever lives to make intercession, and death has no more dominion over him. Christ Jesus lives and reigns for ever, in the power and glory of the Father, although some are said to crucify to themselves the Lord of life afresh, and to tread under foot the Son of God, which cannot be taken properly in a literal sense, but by their contempt of truth, and doing despite to his Spirit of grace, as some malicious apostates have done, not to their justification, but condemnation.

“What any of us, or among us, have spoken or written of the Seed, or Word, which the Son of man (Jesus Christ) sows in men's hearts; and of the same being oppressed, or suffering in some, or

being choked with worldly cares, and the love of riches in others, &c. These, and many such like expressions may have been used, according to the parables and similitudes which Christ Jesus himself make, relating to the kingdom of heaven, the Word or Seed of life and grace, sown by him in men's hearts; and likewise of grieving, quenching, and quenching his Spirit in them, by their disobedience; and yet by all these, never to intend or mean, that Christ himself properly dies in men for their justification, although his Spirit be both grieved and quenched in many; and many do lose the true sense of his living word in themselves, by suffering their souls' enemy to draw out their minds from that Seed, that Word, that light, that spirit of our Lord Jesus Christ in them, which (in itself, in its own being,) never dies. The immortal Seed, the immortal Word, is of an immortal being, though many be dead thereunto, in their trespasses and sins."

Here he expressly denies that Christ dies in men for their justification, or that the society ever held such a doctrine. From Barclay's *Apology*, pages 460 and 461, a passage was read for the same purpose. It is only necessary to furnish the introduction to the passage to see the application. He is speaking of the spiritual body and blood of Christ, on which the saints feed, and by which their souls are nourished up unto eternal life; and the whole passage ready by the counsel refers to this. He thus introduces it:

"The body then of Christ, which believers partake of, is spiritual, and not carnal; and his blood, which they drink of, is pure and heavenly, and not human or elementary, as Augustine also affirms of the body of Christ, which is eaten, in his *Tractat. Psal. xcviij.* Except a man eat my flesh, he hath not in him life eternal: and he saith, The words which I speak unto you are Spirit and life; understand spiritually what I have spoken. Ye shall not eat of this body which ye see, and drink this blood which they shall spill, which crucify me. I am the living bread, who have descended from heaven. He calls himself the bread, who descended from heaven, shewing that we might believe in him, &c.

"If it be asked then, what that body, what that flesh and blood is?

"I answer: It is that heavenly seed, that divine, spiritual, celestial substance, of which we spake before, in the fifth and sixth propositions. This is that spiritual body of Christ, whereby and through which he communicateth life to men, and salvation to as many as believe in him, and receive him; and whereby also man comes to have fellowship and communion with God. This is proved from the 6th of John, from verse 32, to the end, where Christ speaks more at large of this matter, than in any other place; and indeed, our evangelist and beloved disciple, who lay in the bosom of our Lord, gives us a more full account of the spiritual sayings and doctrine of Christ than any other; and it is observable, that though he speaks nothing of the ceremony used by Christ of breaking bread with his disciples, neither in his evangelical account of Christ's

life and sufferings, nor in his epistles ; yet he is more large in this account of the participation of the body, flesh and blood of Christ, than any of them all. For Christ, in this chapter, perceiving that the Jews did follow him for love of the loaves, desires them (verse 27,) to labour not for the meat which perisheth, but for that meat which endureth for ever : but forasmuch as they, being carnal in their apprehensions, and not understanding the spiritual language and doctrine of Christ, did judge the manna which Moses gave their fathers, to be the most excellent bread, as coming from heaven ; Christ, to rectify that mistake, and better inform them, affirmeth, First, That it is not Moses, but his Father, that giveth the true bread from heaven, verse 32, and 48. Secondly, This bread he calls himself, ver. 35, I am the bread of life : and ver. 51, I am the living bread, which came down from heaven. Thirdly, He declares that this bread is his flesh ; ver. 51, The bread that I will give is my flesh ; and ver. 55, For my flesh is meat indeed, and my blood is drink indeed. Fourthly, The necessity of partaking thereof ; ver. 53, Except ye eat the flesh of the Son of man, and drink his blood, ye have no life in you. And lastly, The blessed fruits and necessary effects of this communion of the body and blood of Christ. Ver. 53, This bread giveth life to the world. Ver. 50, He that eateth thereof, dieth not. Ver. 58, He that eateth of this bread shall live for ever. Ver. 54, Whoso eateth this flesh, and drinketh this blood, shall live for ever. Ver. 56, And he dwelleth in Christ, and Christ in him. Ver. 57, And shall live by Christ."

Immediately following this is the passage quoted on the other side, and in direct connexion with it are these words, showing that Barclay had not the most remote idea of denying the atonement, viz: p. 464.

"I doubt not but that there are many also at this day, professing to be the disciples of Christ, that do as little understand this matter as those did, and are as apt to be offended, and stumble at it, while they are gazing and following after the outward body, and look not to that by which the saints are daily fed and nourished. For as Jesus Christ, in obedience to the will of the Father, did by the eternal Spirit offer up that body for a propitiation for the remission of sins, and finished his testimony upon earth thereby, in a most perfect example of patience, resignation and holiness, that all might be made partakers of the fruit of that sacrifice ; so hath he likewise poured forth into the hearts of all men a measure of that divine light and seed wherewith he is clothed ; that thereby, reaching unto the consciences of all, he may raise them up out of death and darkness by his life and light, and thereby may be made partakers of his body, and therethrough come to have fellowship with the Father and with the Son."

One could hardly believe this passage (the closing,) was omitted through mistake. It is unnecessary to trouble the court, with further passages on this point. Any person who chooses may follow

out the subject, and by attending to the clue I have furnished they will readily perceive the explanation.

I will now call the attention of the court to a few passages cited against us in reference to the inspiration of the Scriptures. It is necessary to call your attention to this doctrine as it is set forth in our answer.

Friends believe in the plenary inspiration of the Scriptures : and they consequently believe in the Scripture as a rule of faith. But they do not receive them as the *only* rule of faith. They say there must be a fountain from which inspiration proceeds. While they believe that all Scripture being given by inspiration, is profitable for doctrine, for reproof and for instruction in righteousness, they at the same time believe in the light of Christ shining in the consciences of men within. But they do not believe that the spirit operating in their own minds will suggest or sanction anything contrary to Scripture: because they believe the Spirit is always consistent with itself.

On page 294 of Barclay's works, is a passage which has been quoted by the opposite counsel. This may be replied to and explained by quoting the passage from page 305 of the same work.

"Section VI. In this respect above mentioned then we have shown, what service and use the Holy Scriptures, as managed in and by the Spirit, are of to the church of God ; wherefore we do account them a secondary rule. Moreover, because they are commonly acknowledged by all, to have been written by the dictates of the Holy Spirit, and that the errors, which may be supposed by the injury of times to have slipt in, are not such, but that there is a sufficient, clear testimony left to all the essentials of the christian faith ; we do look upon them, as the only fit outward judge of controversies among christians, and that whatever doctrine is contrary unto their testimony, may therefore justly be rejected, as false. And for our parts we are very willing, that all our doctrines and practices be tried by them ; which we never refused, nor ever shall in all controversies with our adversaries, as the judge and test. We shall also be very willing to admit it as a positive, certain maxim, that whatsoever any do, pretending to the Spirit, which is contrary to the Scriptures, be accounted and reckoned a delusion of the devil. For as we never lay claim to the Spirit's leadings, that we may cover ourselves in anything, that is evil ; so we know, that as every evil contradicts the Scriptures, so it doth also the Spirit in the first place, from which the Scriptures came ; and whose motions can never contradict one another, though they may appear sometimes to be contradictory to the blind eye of the natural man, as Paul and James seem to contradict one another."

From *Vindiciæ Veritatis*, a work published in 1703, I will read an extract, beginning on page 59:

"Follow the light within: This is their whole creed, the sum total of their belief.

"We are not ashamed to recommend all people to the guidance of

the light within: and had my adversary been directed by it, in penning this treatise, he would never have published such notorious untruths. Who is there, that hath been at any of our meetings, or read any of our writings, that cannot contradict this man, and detect him of misrepresenting us in this matter? It is true, we advise all to follow the dictates of the light within, esteeming it a necessary article of our faith: but that it is our whole creed, or the sum total of our belief, we utterly deny.

“Near the foot of this page, he saith, They (Quakers) do not lay any stress in the incarnation, death, and sufferings of our blessed Saviour, as of any necessity to have faith in them, in order to salvation.

“This is a great abuse; for we (who have been blessed with the outward knowledge of the Holy Scripture,) do believe, that it is absolutely necessary for us to have faith in the incarnation, death, sufferings, &c. of our Lord and Saviour Jesus Christ. The falsehood of this passage is so obvious, to all those that have had any knowledge of us, or of our principles, that I esteem it unnecessary to dwell any longer on this subject.”

These are all the passages I think it necessary to comment upon at present: and with these remarks, I shall submit this part of the subject.

I shall have no difficulty in showing that in respect to all these doctrines, the ancient and modern society of Friends fully concur and harmonize. The doctrines set forth in the extracts from the writings of the primitive Friends, already referred to, are such as are at present entertained by the society. They were adopted by the society in 1823, and are fully believed in.

The next inquiry is, whether these doctrines are fundamental. The witnesses on our side say they are so, and affirm that the disavowal of them has always been a ground of disownment.

In proof of this position, I refer to the testimony of Samuel Bettle, page 60; Samuel Parsons, 171; William Jackson, 99; Joseph Whittall, 213; Thomas Willis, 108.

The discipline is positive on this subject. On page twenty-three is the passage stating, that if any one denies the doctrine he is not of the same faith with the society.

In the Appendix to Barclay's Catechism, page 11, the same doctrine is laid down. In the discipline, inquiries are directed to be made if ministers are sound in the faith, and answers are to be brought up from the inferior meetings.

These doctrines, wherever entertained, must, in the nature of the thing, be fundamental. Oil and water might as well unite as trinitarianism and unitarianism. Can you believe that a religious society can exist, when one part of them believe in the divinity of the Saviour, and the other deny it? One preacher would, on this supposition, hold up the Saviour as a necessary object of worship and adoration, and others would deny it, and charge such worship to be

blasphemy, and can tolerate these opposite opinions: but they cannot be entertained in the same society of christians worshipping together. Instead of harmony, they would always produce confusion and discord, and wherever these contrary doctrines are entertained, the same scenes will be acted over, that have been acted, of late, in this society.

Herein is displayed the moral beauty of our government, in allowing perfect religious freedom. If a man by reading Priestley's Works, or the Celestial Magnet, or from any other cause, becomes convinced that the doctrine of the three that bear record in heaven is wrong, all he has to do, is to come out of the society entertaining this doctrine to which he has belonged, and join some other whose views may be in accordance with his new doctrines.

Justice Drake was right in saying that these doctrines bore internal evidence of their being fundamental. The opposition and discord which have torn asunder this society, shows that they never can be deemed of a secondary, or subordinate character.

The learned counsel has accused my clients of holding forth these doctrines as prominent subjects of belief, but neglecting to exhibit the light within, which, to be sure, is blazed forth on all occasions by the opposite party.

But it is not true that my clients have said nothing on the light within. This doctrine is distinctly set forth in the declaration of faith made by Joseph Hendrickson, in his answer. The reason that it has not been dwelt upon at greater length, is because there is no dispute about it.

I challenge the opposite party to show that any religious society, entertaining these contrary doctrines, has ever worshipped together in peace and harmony since the introduction of christianity into the world.

The gentleman says, that the society of Friends cannot be considered as holding these doctrines, because they have no creed. What does the gentleman mean by a creed? We are told by logicians, that nine disputes out of ten, are occasioned by men not agreeing in the signification of words. If Friends have a system of religious belief, they have a *creed*, in the ordinary signification of the term. The word creed is, indeed, sometimes used in a more invidious sense. In Roman catholic times, creeds were published, and men ordered to believe them, under pain of being punished here and hereafter. The early christians also suffered much from the imposition of creeds which were promulgated, and required under penalties to be believed and adopted by their rulers. In this sense, and this only, the society of Friends were opposed to creeds; but they were not opposed to simple declarations of faith.

The counsel on the opposite side has shown that Friends have a creed. Do they not believe in the unlawfulness of war and of oaths? Do they not believe in the light within? Then, they have fundamental principles which form a creed; but they do not punish men

for not believing as they do, and herein their creed differs from the kind of creeds to which they objected.

Where will the arguments of the learned counsel lead? He admits that every religious society must have fundamental doctrines. He admits that Friends have at least, one fundamental doctrine, namely, the belief in the divine light within. We admit this; but contend that there are others also, which the society hold to be fundamental, and inquire of them, what they think of these other fundamental doctrines.

The gentleman says, they will not answer on these questions, because they deny the inquisitorial power of the court to pry into their belief. Let him carry out this principle and extend its application to the doctrine his own party profess to entertain. Suppose his own party should divide on the subject of the light within. Or suppose one part of them should become *antinomians*. How would the other party get back the property, without an inquiry into the faith of the dissentients? If the inquiry were proposed, the other party would come forward and say, "this is a spiritual matter, you have no right to try spiritual matters." If this excuse were admitted to its full extent, it would not be possible for the court to decide, under the law of charitable uses, to whom the property belonged: but each party must, in such case, be allowed to keep what it could get hold of when the dissention arose. What are we to think of such a state of things in a government of laws, with a regular judiciary to administer them?

The passages cited by the opposite counsel, from the ancient writers of this society in regard to creeds, refer to the word creed in its odious sense, as imposing belief under temporal punishments.

A passage from Barclay's works, page 697, has been cited by the other side in support of their views:

"Now these people, who hold forth the principles and doctrines hereafter to be mentioned, were not gathered together by any unity of opinion, or by a tedious and particular disquisition of notions and opinions requiring an assent to them, and binding themselves by leagues and covenants thereto; but the manner of their gathering was by a secret want, which many truly tender and serious souls in divers and sundry sects found in themselves: which put each sect upon the search of something beyond all opinion, which might satisfy their weary souls, even the revelation of God's righteous judgment in their heart to burn up the unrighteous root and fruits thereof; that the same being destroyed and done away, the inward peace and joy of the Holy Spirit in the soul might be felt to abound, and thence power and life to follow him in all his commandments. And so many came to be joined and united together in heart and spirit in this one life of righteousness, who had long been wandering in the several sects; and by the inward unity came to be gathered in one body: from whence by degrees they came to find themselves agreed in the plain and simple doctrines of Christ."

It is manifest that the author did not mean to say that religious societies should not have doctrines, but to point out the mode they ought to take in order to arrive at their doctrines. This, he declares should be, not by a resort to external means alone, which would reduce mere historical faith, but by following the light within.

Let us allow Barclay to explain this matter for himself. In his work on church government, page 53, he says:

"As to the first, Whether the church of Christ hath power in any case, that are matters of conscience, to give a positive sentence and decision, which may be obligatory upon believers.

"I answer affirmatively, she hath; and shall prove it from diverse instances, both from Scripture and reason. For first, all principles and articles of faith, which are held doctrinally, are, in respect to those that believe them, matters of conscience. We know the papists do, out of conscience (such as are zealous among them) adore, worship, and pray to angels, saints, and images, yea, and to the eucharist, as judging it to be really Christ Jesus; and so do others place conscience in things that are absolutely wrong: now I say, we being gathered together into the belief of certain principles and doctrines, without any constraint or worldly respect, but by the mere force of truth upon our understandings, and its power and influence upon our hearts; these principles and doctrines, and the practices necessarily depending upon them are, as it were, the terms that have drawn us together, and the bond, by which we became centered into one body and fellowship, and distinguished from others. Now if any one, or more, so engaged with us, should arise to teach any other doctrine or doctrines, contrary to these which were the ground of our being one; who can deny, but the body hath power in such a case to declare, this is not according to the truth we profess; and, therefore, we pronounce such and such doctrines to be wrong, with which we cannot have unity, nor yet any more spiritual fellowship with those that hold them? And so cut themselves off from being members, by dissolving the very bond by which they were linked to the body."

Here he expressly repudiates the idea that they cannot have fundamental doctrines; and affirms, that they have a right to cut off and exclude members from their association, for disagreement in opinion on important doctrinal points. This he shows, is not tyranny or oppression, but a necessary exercise of power to preserve the soundness of the body, and to secure that harmony which is essential to render a religious society of any benefit to the community.

The whole doctrine on this subject will be found in the work just referred to.

The gentleman read a passage from 1st Penn's Works. Viewed in its proper connexion, this manifestly refers to the light within as leading to true doctrine.

He cited a passage from Fox's Journal, page 33, 34, to show that

there could be no fundamental doctrines. If he had read the whole paragraph he would have seen its meaning.

“The power they exercise is such as Christ has given to his own people to the end of the world in the persons of his disciples, viz. ‘To oversee, exhort, reprove,’ and after long-suffering and waiting upon the disobedient and refractory, ‘to disown them as any more of their communion, or that they will any longer stand charged in the sight and judgment of God or men with their conversation or behaviour as one of them until they repent.’ The subject-matter about which this authority, in any of the foregoing branches of it, is exercised, is, first, in relation to common and general practice: and, secondly, about those things that more strictly refer to their own character and profession, and distinguish them from all other professors of christianity; avoiding two extremes upon which many split, viz. persecution and libertinism. *A coercive power to whip people into the temple*; that such as will not conform, though against faith and conscience, *shall be punished in their persons or estates*; or leaving all loose and at large as to practice, unaccountable to all but God and the magistrate. To which hurtful extreme nothing has more contributed, than the abuse of church-power by such as suffer their passions and private interests to prevail with them to carry it to outward force and corporal punishment; a practice they have been taught to dislike by their extreme sufferings, as well as their known principle for an universal liberty of conscience.

“On the other hand they equally dislike an independency in society; an unaccountableness in practice and conversation to the terms of their own communion, and to those that are the members of it. They distinguish between imposing any practice that immediately regards faith or worship (which is never to be done, nor suffered, or submitted unto) and requiring christian compliance with those methods that only respect church-business in its more civil part and concern, and that regard the discreet and orderly maintenance of the character of the society, as a sober and religious community. In short, what is for the promotion of holiness and charity, that men may practise what they profess, live up to their own principles, and not be at liberty to give the lie to their own profession without rebuke. They compel none to them, but oblige those that are of them to walk suitably, or they are denied by them: that is all the mark they set upon them, and the power they exercise, or judge a christian society can exercise upon those that are the members of it.”

It is plain, the object of the writer, is, to condemn the *imposition* of creeds, and the calling on men to believe them under penalty of *loss of estate, or imprisonment of person*.

A creed, as a mere system of belief on doctrinal points, has always been held by the society of Friends. This is proved by the Discipline, page 23.

This is perfectly consistent, also, with religious toleration. To make religious societies useful, they must be harmonious. If a man

does not agree with them in principle, let him go out from among them, and join some other religious institution. Such a course, while it secures religious freedom to the individual, also secures the religious society, and secures their property also in its devotion to the great trusts and objects for which the society was instituted.

This is the view of the late chief justice, as declared in page 45 of his opinion, which I have already read to your honours.

Here the views of the chief justice coincide exactly with what we have stated. He tells us, the society of Friends must have fundamental doctrines. He says that, if necessary, he could show what they are: and he points to the declaration of faith which I have already quoted, where they are to be found. We have here ample evidence what his decision would have been on the point of doctrine, if he had thought it necessary to go into the investigation of that subject.

The practice of the society has always been in perfect accordance with these views. It has been their practice to disown members for holding unsound doctrine.

Jeffry Ballock was disowned on this account, as will be seen by reference to Thomas Evans' testimony. Samuel Parsons mentions the disownment of Hannah Barnard, and several others, on this account, and he and Thomas Willis speak of a number of disownments for false doctrine.

How can men pretend that this society has no fundamental doctrines, and no external bonds of union, when you find all their officers testifying that they have such doctrines, and when you find too, their aged members testifying, that from the commencement of the society, it has been the practice to disown members for holding opinions contrary to those of the society.

The gentleman has read passages from the constitution of New Jersey, and from the fundamental articles contained in Learning and Spicer, to support the principle of religious toleration.

Is not all this in harmony with the principles we have insisted on?

If an episcopalian, for instance, turn Roman catholic, must he continue in the episcopalian church, and be allowed to disseminate his new opinions, and sow discord there, in order to enable him to enjoy religious freedom? He is at liberty to think as he pleases, but as long as he continues with a religious society, he should believe with them. Abolish the principle that a religious society may protect itself, and then, as Barclay says, heresies of every kind, and doctrines of devils will be soon taught among them: and the church will quickly become, instead of a house of peace, a pandemonium of discord. Elias Hicks was aware of this. He admitted that the preaching of his new doctrines would produce this confusion, but he thought the confusion would soon be over. In the indulgence of his vanity, he was led to suppose that his new doctrines would be triumphant, that the name of "Hicksite," be more honourable than that of Quaker, and that the tree of "Hicksite" liberty, which he

had planted and watered, would flourish over the fallen trunk of Quakerism.

Court adjourned.

Monday morning, 9 o'clock.

Mr. Wood resumed :

Having shown to this honourable court, what are the doctrines of the society of Friends, and that they correspond with the statement we have made of those doctrines in the pleadings ; and having, as I trust, also shown that those doctrines are fundamental, and that they must be so considered, I shall proceed to occupy the time of the court with a consideration of the doctrines held by the opposite party. I will not read them over as charged in our answer. They were put in issue between the parties, and I trust, I have satisfied the court that the defendant, claiming to be the successor of Joseph Hendrickson, comes in the light of a claimant, and that the decision must be made in favour of him who shall sustain his case. I will refer to one or two authorities on this subject. In 4th Brown's Chas. Rep. 309 : in the case of the *Duke of Bolton v. Williams*, which was a case of interpleader, the chancellor says, "that the plaintiff calls upon the parties to make out their claims, so that each party defendant is to stand upon his own right, and the validity of his own claim." In this case has the defendant made out his claim ? In his answer to the bill of interpleader, in which his claim is set forth, has he answered all the subject matter of inquiry presented by the pleadings, or has he refused to do so ; and have his witnesses refused to answer on important points of doctrine ? That there are points of doctrine most material to be settled, both the parties in the court below allege ; and they are warranted in so saying by all the authorities. In 1st Dow's Reports, p. 16, Lord Eldon says, "that the court will take notice of religious opinions as facts pointing out the ownership of property ;" and in 3d Merivale, 412, he states, "where a trustee has changed his religion, it is *ex necessitate* for the court to inquire what was the religious worship from which he has seceded." Now here it is necessary, in order to settle this question of trust, or to ascertain to which of the two preparative meetings it belongs, there being one at the time the fund was created, and two now, to ascertain clearly this point of doctrines. Did the society of Friends formerly, at the time this fund was created, and before and since, hold the doctrines which we set forth ? They are put in issue : they are given in detail in the pleadings, and they are alleged to be fundamental. I ask you to lay your finger on any one thing contained in Stacy Decow's answer, in the pleadings, or in the evidence on his part, which can go to show whether these doctrines are or are not held by the society, and are or are not fundamental. On this important point, so necessary to the settlement of this claim, he has failed

answer and to give evidence; and he has done so on the ground at the court, as a mere temporal tribunal, had no right to make inquiries into the faith or consciences of men. I trust I have shown that this is not the case; and Decow therefore is in this awkward predicament: he comes here in the light of a claimant, on a question of the highest importance relative to religious doctrines: he fails to give evidence or to offer information, and that too in a court which emphatically calls on a party to discover the truth, and discover it if necessary, under his own oath. Let us see what he says. The counsel tells us he has answered: so indeed he has in part; but he has not given us the *whole truth*; he has not answered us on those points respecting which it was chiefly requisite that this court should be informed. It is no answer to say, that the doctrine of the divine light operating upon the soul, and the testimony against wars, &c. are fundamental. We do not dispute that, but admit that they are so; but the question turns solely on those matters of doctrine which are put in issue, and to these he refuses to answer. I understand that refusal to be based on the ground that you have no right to interrogate him on those spiritual matters. I, however, have shown that you are in the right.

On this subject the gentleman has referred to the fundamental laws and constitution of New Jersey, the amount of which is, that no man is punishable in person or property on account of his religious opinions. We do not seek it; we merely wish to settle this single question of trust; and there is no want of toleration in the law in our courts of justice, in saying, "you may hold what doctrines you please, but we will *protect* others also; and where societies are founded on certain trusts, we will protect them in the trust, and not allow you to divest them of their rights." And this is our position. But the gentleman, apparently aware that his excuse is not sufficient, says that his client has answered fully—and how? He says that he has stated his belief in the christian religion, as contained in the New Testament. This is, indeed, taking a wide latitude. He gives us the range of the whole New Testament in which to search out the religious doctrines they believe in—and in so doing, he reminds me of that sagacious and penetrating Irishman, who wrote a letter to one of his dear friends in this country, and contented himself with directing it to the name of the party for whom it was intended in *North America*, without further superscription or address. And equally wild are our chances for finding that after which we are searching in the present instance: for we have all the Scriptures in the New Testament given us by Decow as the great fountain from which we are to ascertain his doctrines; and we are left without clew or guide beyond this simple reference. How much more natural and convenient would it have been to state their belief in regard to those particular doctrines in question, at once. Do not the opposite party well know that christians in all ages have entertained different doctrines, and yet that they all pro-

less to derive them from the Scriptures? Even the socinian himself claims to gather his religion from the Scriptures; yet in order to get at them there, and to evade the clear and unequivocal passages in which contrary doctrines are revealed, he reduces them to the mere level of human testimony, and claims the privilege of rejecting and of explaining away certain passages incompatible with the faith which he professes. Now the God of the socinian, who rejects the divinity of Christ, is not the God of the christian who believes in the divinity of the Saviour; and I trust I have sufficiently shown that the society of Friends did not come together and organize their institutions for the worship of God, and yet disagreed among themselves as to the God they were to worship. And yet the opposite party on this very important inquiry in respect to religious institutions, whose very object is to worship God, refuse to say what God they do worship, whether the triune God or the God of the socinian. Yet they still have the confidence to tell us that they have made a full disclosure of their faith.

What is the effect which this defendant's refusal to answer is to have upon the cause? The counsel says we might have excepted to his answer. True. But that were our *privilege*, not *their excuse*. When a defendant declines, or neglects to answer fully as to charges exhibited, the court will look to it and weigh the deficiency against him.

But the court will observe that the defendant, in this instance, does not shelter himself under any plea that an answer would criminate or disgrace him: but on the ground that Friends had a right to think as they pleased. We admit that as individuals and members of the community they have such right, but we contend and trust we have shown that they have not such a right, as members of this religious society, but that while they continue with them they should conform to their doctrines. We have also shown that doctrines may be inquired into to settle a question of trust. That these doctrines in question are put in issue, and that Decow is a *claimant* and must support his case. Yet he refuses to disclose and to make out his case in respect to this important matter in issue.

Now I think that I might be well content to rest this part of the case on the view which justice Drake has taken of it. We having exhibited evidence of our case, and the opposing claimant (for so he is) having refused to produce any evidence, the decision must be in favour of him who has made out his cause, and against him who has neglected and refused to do so. But it is not our intention to rest here; we will follow them to the covert and strip them of their disguises; and we will show (though it is almost a work of supererogation) what their doctrines are—that they are not the doctrines of the ancient society of Friends—that they do not worship the God of that society, but a different God, the God of the socinian; and although they have declined to answer directly on these points of doctrine, yet something has leaked out to show that there were dis-

ness between the parties on points of doctrine, and that those now in dispute are the only doctrines about which difficulty has arisen: Decow's answer, in 1st vol. Dep. p. 54, we find him admitting that there was a dispute on matters of faith:

"And this defendant, further answering, saith, that he has been compelled reluctantly to come into this court to defend the property of his brethren. And although he admits that there may be some difference of opinion as to the true faith and discipline of the society, between the great majority of the society of Friends, to whom he belongs, and the party called by themselves the Orthodox party,—the society of Friends heretofore hath been willing to consider it as an honest difference of opinion, uncontaminated by feelings of avarice or greediness for property: and the society of Friends have, therefore, proposed to them heretofore, as they are a minority, and have withdrawn from communion with them, and seem desirous to remove and separate altogether, to take no advantage of them on that account, in relation to the property; but are willing and disposed to say unto them, as of old, Abraham said to Lot,—We were brethren previously to your separating from Friends; and the whole of the property which we held while in unity, is before us, and here is enough for us and for you. And in order that there should be no strife between them on that account, the monthly meeting of Chesterfield, consisting of the members of the Chesterfield preparative meeting, and others, made the proposition alluded to in the bill of interpleader, for an amicable adjustment, in relation to the rights of property, conformably to the principles of justice and equity; hereby maintaining a disposition to *do unto others as they would that others should do unto them*—which this defendant regrets was refused—and the more especially, as the refusal is coloured with the pretence of conscientious motives: and he leaves to the said Joseph Landrickson the full benefit of his mode of escaping from the obligations of the rules of the society, violated in the institution of this suit."

What is this difficulty as to faith: he admits there is a difference, not only as to discipline, but faith. Do they disagree on any other cardinal points of faith which have been embodied in the creed or *beliefs* (if they do not like the other term) of the society of Friends, such as are set forth in the bill of interpleader and in our answer to it. We hear of nothing else. There is then a difference of faith. What is it? Their proclamation contained in Exhibit H., put forth in the year 1827, admits that doctrines were in dispute: "Doctrines held by one part of society, and which we believe to be sound and edifying, are pronounced by the other part to be unsound and pernicious."

What are the doctrines here referred to? The counsel have attempted to explain away this passage, and says it refers to a passage receding. "Hence they were prepared to promulgate the glorious truth, that God alone is the sovereign Lord of conscience, and that

with this unalienable right, no power, civil or ecclesiastical, should ever interfere." Is this a religious doctrine which is sound and edifying; or is it, on the other hand, a principle of religious liberty applicable to individuals and societies in respect to their religious beliefs? It is not a religious doctrine—it is merely the privilege which a society has to believe in and hold forth their religious doctrines. But what, I again ask, are the doctrines about which they are disputing. Will the gentleman say that a society gathered together for the purpose of worshipping God would consider the mere privilege which the government gives them to worship as a sound and edifying doctrine? Or do they consider it a mere privilege? And yet the gentleman tells you that in their proclamation no religious doctrines were referred to but only this great political truth. Abraham Lower himself, admits not only that doctrines were in dispute between those parties, but also, that they were those very doctrines on which he says the court have no right to interfere. (1st Vol. Evid. p. 473.) He was asked to tell what the doctrines were which their address of April 1827 alluded to, and he said: "*I rather think I shall not;*" I should not like to answer. It is not on questions of religious liberty; it is on the doctrines themselves that he has refused to answer, and here we have his admission, that doctrines were actually in dispute. What were they? they are to be found in a paper which he calls a creed; it is exhibit No. 12, page 414, 2d Vol. Depositions, viz.:

"At a Meeting for Sufferings held in Philadelphia, the 17th of First month, 1823.

"An Essay containing a few brief extracts from the writings of our primitive Friends, on several of the doctrines of the christian religion, which have been always held, and are most surely believed by us, being produced and read; on solid consideration, they appeared so likely to be productive of benefit, if a publication thereof was made, and spread among our members generally, that the committee appointed on the printing and distribution of religious books, are directed to have a sufficient number of them struck off, and distributed accordingly; being as follows:

"We have always believed that the Holy Scriptures were written by divine inspiration, that they are able to make wise unto salvation, through faith which is in Christ Jesus; for, as holy men of God spake as they were moved by the Holy Ghost, they are, therefore, profitable for doctrine, for reproof, for correction, for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works. But they are not, or cannot be subjected to the fallen, corrupt reason of man. We have always asserted our willingness, that all our doctrines be tried by them; and admit it as a positive maxim, that whatsoever any do (pretending to the Spirit) which is contrary to the Scriptures, be accounted and judged a delusion of the devil.

"We receive and believe in the testimony of the Scriptures, simply

as it stands in the text—'There are three that bear record in heaven, the Father, the Word, and the Holy Ghost, and these three are one.'

"We believe in the only wise, omnipotent and everlasting God, the creator of all things in heaven and earth, and the preserver of all that he hath made, who is God over all, blessed for ever.

"The infinite and most wise God, who is the foundation, root and spring of all operation, hath wrought all things by his eternal Word and Son. This is that Word that was in the beginning with God, and was God; by whom all things were made, and without whom was not anything made that was made. Jesus Christ is the beloved and only begotten Son of God, who, in the fulness of time, through the Holy Ghost, was conceived and born of the Virgin Mary—in him we have redemption through his blood, even the forgiveness of sins. We believe that he was made a sacrifice for sin, who knew no sin; that he was crucified for us in the flesh, was buried and rose again the third day by the power of his Father for our justification, ascended up into heaven, and now sitteth at the right hand of God.

"As then that infinite and incomprehensible Fountain of life and motion, operateth in the creatures by his own eternal word and power, so no creature has access again unto him but in and by the Son, according to his own blessed declaration, 'No man knoweth the Father but the Son, and he to whom the Son will reveal him.' Again, 'I am the way, the truth and the life: no man cometh unto the Father but by me.' Hence he is the only Mediator between God and man: for having been with God from all eternity, being himself God, and also in time partaking of the nature man; through him is the goodness and love of God conveyed to mankind, and by him again man receiveth and partaketh of these mercies.

"We acknowledge, that of ourselves we are not able to do any thing that is good; neither can we procure remission of sins or justification by any act of our own; but acknowledge all to be of and from his love, which is the original and fundamental cause of our acceptance. 'For God so loved the world, that he gave his only begotten Son, that whosoever believeth in him should not perish, but have everlasting life.'

"We firmly believe it was necessary that Christ should come, that by his death and sufferings, he might offer up himself a sacrifice to God for our sins, who his own self bare our sins in his own body on the tree; so we believe that the remission of sins which any partake of, is only in and by virtue of that most satisfactory sacrifice, and no otherwise. For it is by the obedience of that one, that the free gift is come upon all to justification. Thus Christ by his death and sufferings hath reconciled us to God, even while we are enemies; that is, he offers reconciliation to us; and we are thereby put into a capacity of being reconciled. God is willing to be reconciled unto us, and ready to remit the sins that are past, if we repent.

"Jesus Christ is the intercessor and advocate with the Father in heaven, appearing in the presence of God for us, being touched with

a feeling of our infirmities, sufferings, and sorrows; and also by his Spirit in our hearts, he maketh intercession according to the will of God, crying Abba, Father. He tasted death for every man, shed his blood for all men, and is the propitiation for our sins, and not for ours only, but also for the sins of the whole world. He alone is our Redeemer and Saviour, the captain of our salvation, the promised seed, who bruises the serpent's head; the alpha and omega, the first and the last. He is our wisdom, righteousness, justification and redemption; neither is there salvation in any other; for there is no other name under heaven, given among men, whereby we may be saved.

“As he ascended far above all heavens, that he might fill all things, his fulness cannot be comprehended or contained in any finite creature, but in some measure known and experienced in us, as we are prepared to receive the same; as of his fulness we have received grace for grace. He is both the word of faith and a quickening spirit in us, whereby he is the immediate cause, author, object and strength of our living faith in his name and power, and of the work of our salvation from sin and bondage of corruption.

“The Son of God cannot be divided from the least or lowest appearance of his own divine light or life in us, no more than the sun from its own light: nor is the sufficiency of his light within set up or mentioned in opposition to him, or to his fulness considered as in himself or without us; nor can any measure or degree of light received from Christ, be properly called the fulness of Christ, or Christ as in fulness, nor exclude him from being our complete Saviour. And where the least degree or measure of this light and life of Christ within, is sincerely waited in, followed and obeyed, there is a blessed increase of light and grace known and felt; as the path of the just, it shines more and more until the perfect day; and thereby a growing in grace, and in the knowledge of God, and of our Lord and Saviour Jesus Christ, hath been and is truly experienced.

“Wherefore we say, that whatever Christ then did, both living and dying, was of great benefit to the salvation of all that have believed, and now do, and that hereafter shall believe in him unto justification and acceptance with God; but the way to come to that faith, is to receive and obey the manifestation of his divine light and grace in the conscience, which leads men to believe and value, and not to disown or undervalue Christ, as the common sacrifice and mediator. For we do affirm, that to follow this holy light in the conscience, and to turn our minds, and bring all our deeds and thoughts to it, is the readiest, nay, the only right way, to have true, living, and sanctifying faith in Christ, as he appeared in the flesh; and to discern the Lord's body, coming, and sufferings aright, and to receive any real benefit by him as our only sacrifice and mediator; according to the beloved disciple's emphatical testimony, ‘If we walk in the light, as he (God) is in the light, we have fellowship

is with another, and the blood of Jesus Christ his Son cleanseth from all sin.'

"By the propitiatory sacrifice of Christ without us, we, truly repenting and believing, are, through the mercy of God, justified from the imputation of sins and transgressions that are past, as though they had never been committed: and by the mighty work of Christ within us, the power, nature, and habits of sin are destroyed; that sin once reigned unto death, even so now grace reigneth through righteousness unto eternal life, by Jesus Christ our Lord.

"Signed on behalf of the meeting,

"JONATHAN EVANS, *Clerk.*"

Abraham Lower states that the objection of his party to that paper being published was, that it contained a *creed*; and another of their *minutes* gives a different explanation. Samuel Bettle says, that when these matters were brought up for inquiry before the yearly meeting of 1823, the party who have since become seceders, not only opposed that paper, as containing a creed, but they found fault with the doctrines expressed in it, and one of them said that the scripture text, "there are three that bear record in heaven," was a spurious text, and endeavoured to show that it was spurious. Another said, the doctrines it contained were contrary to Scripture, reason, and revelation. (See 1st Vol. Dep. p. 72.) Here then, they were disputing not merely that it was a creed, and therefore inadmissible, but that it contained doctrines in which they did not unite. Did we attempt to make that a creed? or was it merely put forth to show what were the true doctrines of the ancient society of Friends? but certainly it was for the latter purpose.—Taking, therefore, into consideration these two papers, and the explanation of Samuel Bettle and Abraham Lower, we are enabled to say with certainty, that doctrines were in dispute, and that they were precisely those which were set forth. Thomas Evans, in his Deposition, vol. 1st, p. 308, says, that all the controversies grew out of doctrines.

"*Question.* Did all the difficulties which occurred in that yearly meeting, and which led to the secession of a portion of the society, originate from the differences of opinion entertained by the society with Elias Hicks, and the doctrines which he taught?

"*Answer.* In all the quarterly meetings of that yearly meeting, were any difficulties had existed previously to the yearly meeting of 1827, they arose out of, or were connected with, the controversy respecting the doctrines of Elias Hicks, and were occasioned, either by the attempts of his followers, to introduce innovations on the established usages and the discipline of the society, or to impede the execution and support of the discipline and order of society further their views. In at least two of the quarterly meetings, were the first difficulties which occurred at all, were produced by the proposition to separate; and, I think, in six of them, there had been no difficulty previous to the yearly meeting of 1827. I consider the whole of the difficulties into which the society has been unhappily

introduced, as attributable, directly or indirectly, to the attempts made by Elias Hicks and his followers, to promulgate doctrines contrary to those of the religious society of Friends, and to change its organization and discipline.”

Samuel Parsons, Vol. 1st, p. 199, says, that the term “Hicksite,” was used by Elias Hicks himself, and approved. Abraham Lower says, Elias Hicks was a hundred years ahead of the society, and that new views had opened upon him. In vol. 1st, p. 214, of these Depositions, the witness after describing the doctrines held by Elias Hicks, states :

“During that opportunity, he also declared, that ‘as it was lawful and right for George Fox, in his day, to differ in sentiment from the prevailing doctrines of the age, and to make advances in the reformation, so it was right for him, meaning himself, E. H. to make further advances.’ In objecting to the propriety of his promulgating such opinions in the meetings of Friends, and imposing them as the doctrines of our society, I expressed my belief, ‘that if he persisted to do so, it would produce in our society the greatest schism that had ever happened.’ He admitted it would produce a schism, but said, ‘it would be of short duration, for his doctrines must and would prevail.’ ”

This then, is an admission on the part of Elias Hicks, whom we have identified with this party, that he entertained doctrines different from those of the ancient society of Friends; and to excuse himself on this ground, he says not only that he had got in advance of the society, but that the ancient Friends refused to come out, or that they would have advanced the same sentiments. Let me call the attention of the court to the testimony of Samuel Parsons, vol. 1st p. 173.

“The unsound opinions and doctrines promulgated by Elias Hicks, and for which he was disowned, were generally in relation to the Holy Scriptures, and to the character of the Saviour.

“In relation to the character of the Saviour, I have heard him express in his public communications, the following sentiments : ‘The people must be totally turned from any attention to the outward manifestation or sufferings of Jesus, the Messiah of the Jews, the design of whose coming was to put an end to the law of Moses and its ordinances. He was an Israelite, and was not furnished with any more ability than the other Israelites.’ ‘Jesus never gave himself a higher character than the son of man.’ ‘There is no mediator betwixt God and man ; it would be unreasonable to believe that he had ever directed one Son of God to reveal his will to all the other sons of God.’ ‘Jesus was the first Son of God :’ ‘mentioning the name of Jesus Christ, is a species of idolatry.’ ‘We can all attain to the same state that Jesus did, to be equal with God, as the sons of a family are equal with the father, who takes counsel with them.’ ‘It was never designed or intended that he should suffer death by men, for what man would be saved by the blood of an innocent brother?’ ‘With regard to the Almighty’s speaking by his Son ; what kind of

a father would that be; that would speak to his children by his eldest son, instead of speaking directly to them?' 'He was inferior, seeing there could be but one that had no beginning, and that was the Almighty.' 'With regard to the miracles which he wrought, it was the weakest evidence which could be afforded; only suited to that low dispensation, and was no evidence to us; if there would be any use in it, men might work miracles now.'

"On the subject of the Holy Scriptures, he said, 'the Scriptures say one thing, and one another, and it cannot be ascertained from them, whether Jesus was the son of Joseph, or not.' 'There were *thirty gospels* written, and those we have left, were selected in the dark night of apostacy.' 'The Scriptures may be, and no doubt are, useful in the early part of a religious life; yet as pointing to something better, they are of no use when an advanced state is attained to. Amidst much good, there is a great deal that is otherwise; the narratives of the evangelists are full of inconsistencies with each other; it had been better there had been only one, and then it could not at least have been charged with inconsistency; there was but one copy formerly extant, which the pope got, and modelled to his mind.' 'There is no reliance to be placed on books or men; all outward means are to be rejected, and all external miracles had no effect in promoting the gospel.'

"These sentiments were publicly expressed by him in the meetings of the society; and for persevering in preaching and teaching them, he was disowned. After his disownment he was generally reputed to be in full unity with the meeting in Green street, and that spoken of in New York, in correspondence with it; and was an accepted minister with them; it is well understood to be the case."

And also of William Jackson, vol. 1, p. 100. Joseph Whitall, vol. 1, p. 215, testifies to the same fact: and Thomas Willis, in p. 109 to 112, and in p. 142, 156, and 161. Samuel Parsons says that he called on Elias Hicks about the commencement of his defection and that he found him reading Dr. Priestley's History of the Corruptions of the Church, and the "Celestial Magnet." The mere reading of these works would be nothing to the purpose: but he approved of it and circulated one number of the "Celestial Magnet" containing the socinian doctrines of Priestley.

The court will perceive from our testimony, that Elias Hicks is proved to have rejected the certainty and divine authority of the Scriptures, and he speaks of them as containing mere allegories in one part, that is, in respect to the creation of the world. In another part he speaks of the Messiah as a mere Israelite, standing on the same footing as a mere man. He entirely rejected the proper divinity and atonement of Jesus Christ. Have these witnesses testified to what is true? they are aged men, ministers of the gospel, frequently in the habit of meeting Elias Hicks, and hearing him express his opinions. They possessed the requisite knowledge and

intelligence to understand what those opinions truly were; they had frequent opportunities to hear him, and they allege that the portion of the society which have seceded were in full union with him to the period of his death, and that after his death they have continued to promulgate the religious sentiments which he promulgated. Is this testimony true? If not, that party had ample opportunity to show it; but they have not brought one witness to contradict it.

There is another point of view in which this evidence ought to be considered. Elias Hicks was not a private member holding these doctrines, but a minister of the gospel, and preached them repeatedly and publicly, and there were others in unity with him, who also preached the same doctrines.

Samuel Bettle, and Thomas Evans, in vol. i. p. 313, and 307-8, say, that there were other ministers attached to that part of the society of Friends, as well as Elias Hicks, who were in the habit of preaching these doctrines. We have procured some of the sermons; and we shall now proceed to read some extracts, to show that those doctrines to which so many living witnesses have testified, has been put on record by the parties themselves, and that it remains to this hour without contradiction or denial. I read from Hicks' Sermons, exhibit 24, page 10:

“Who was his father?—He was begotten of God. We cannot suppose that it was the outward body of flesh and blood that was begotten of God, but a birth of the spiritual life in the soul. We must apply it internally and spiritually. For nothing can be a son of God, but that which is spirit; and nothing but the soul of man is a recipient for the light and Spirit of God. Therefore, nothing can be a son of God but that which is immortal and invisible. Nothing visible can be a son of God. Every visible thing must come to an end, and we must know the mortality of it. Flesh and blood cannot enter into heaven.—By the analogy of reason spirit cannot beget a material body, because the thing begotten must be of the same nature with its father. Spirit cannot beget anything but spirit; it cannot beget flesh and blood—No, my friends, it is impossible.”

Page 50: “‘I am the way, the truth, and the life,’ Jesus declared, when he was outwardly present as a teacher and Messiah to Israel. They did not look any higher. He was their director, their saviour. He it was, that saved them from their outward sicknesses. He was only an outward saviour that healed their outward diseases, and gave them strength of body, to enjoy that outward good land. This was a figure of the great Comforter, which he would pray the Father to send them; an inward one, that would heal all the diseases of their souls, and cleanse them from all their inward pollutions: that thing of God, that thing of eternal life. It was the soul that wanted salvation: but this no outward saviour could do, no external saviour could have any hand in it.”

Page 252: “Here now, we all have a portion of the same light; for ‘the life was the light of men,’ and it remains eternally so. It

all comes from God, and is dispensed to the children of men—and it was to Jesus Christ, likewise, as man—in the same proportion as to inscrutable wisdom seemed necessary and consistent, to effect the great design, in the creation and redemption of the children of men.”

Page 253: “He was tempted in all points as we are. Now how could he be tempted if he had been fixed in a state of perfection, in which he could not turn aside? Can you suppose, as rational beings, that such a being could be tempted? No, not any more than God Almighty could be tempted. Perfection is perfection, and cannot be tempted. It is impossible.”

Page 258: “We read that he was taken up and set upon a pinnacle of the temple. And do you suppose there was some power which actually took him up, and set him upon a pinnacle? No, I hope there are none so ignorant as to suppose so. It was a temptation to exalt himself, for his righteousness—his goodness. And have you not, many of you, been set upon this pinnacle of high honour? Have you not a little religious pride? What was that saying then, to the tempter? He was placed in a dangerous situation; but not more so than the soul is when tempted to aspire in consequence of its righteousness. The tempter ‘saith unto him, if thou be the son of God, cast thyself down: for it is written, he shall give his angels charge concerning thee; and in their hands they shall bear thee up, lest at any time thou dash thy foot against a stone.’”

Page 292: “If we believe that God is equal and righteous in all his ways, that he has made of one blood all the families that dwell upon the earth, it is impossible that he should be partial; and therefore he has been as willing to reveal his will to every creature, as he was to our first parents; to Moses and the prophets; to Jesus Christ and his apostles. He never can set any of these above us; because if he did he would be partial.”

Page 295: “Not the name of Jesus Christ will save us:—no; but that light and life that was in him—that was in the beginning with God; by which the worlds were made, and that light, it is declared, ‘enlighteneth every man that cometh into the world.’ Therefore, every one of us has the same light and life, according to his necessity, as Jesus Christ had, in his proportion.”

From the Quaker, vol. iv. pages 54, 64, 74, 104, 167, 208: “For such is the goodness of Almighty God, that when his children are enveloped in darkness, he labours with them every day to raise up here one, and there one, as witnesses to testify to those individuals that the way is in them—thus striving to gather them home. And this is all that I can do; it is the very work that Jesus Christ had to do. His finishing work was to tell the disciples where to find the true Saviour.”

“Moses, the prophets, Jesus Christ, and all his apostles and faithful disciples, never did nor could go any further than to recommend to the light within, the Spirit of God, which Jesus said to his disciples should teach them all things, and bring all things to their remem-

brance, whatsoever he had said unto them, or all that was necessary for them to know."

"What is the son of God, and where is he? Do the professors of christianity think that that Jesus, born of the Virgin Mary, is the only son of God that can give us a knowledge of the Father? They must be dark indeed—he can do nothing for any of us."

"Here we learn, that in his external manifestation, he was not truly and properly a Saviour of souls; for he had been born and had lived under the shadowy dispensation, which from the beginning to the end was nothing but a figure, as it respects the soul and its salvation. He was an external Saviour to the Israelites, and to the Israelites only, except in an instance or two. He saved them from their pollutions, and their diseases of various kinds that attended them; such as the leprosy, blindness, deafness."

"We may call it the light of Christ, for it is the same light that he was enlightened with; and the apostle tells us that it enlighteneth every man that cometh into the world. But as Jesus was looked upon as a man, when on earth, the light in that body that walked about the streets of Jerusalem, was no more than is in every creature as a manifestation of that light in them, which would do the same work for them that it did for Jesus Christ the son of Abraham, and the son of David."

"Well, these are beautiful figures or representations; for all the work of Jesus in that outward manifestation, was comprehended in that shadowy dispensation, and, as respects the soul, was nothing but shadow."

"And nothing else can be a child of God, but the rational soul of man; it must be born of God. And when anything is a child of God, it must partake of his divine nature, and be completely swallowed up into it, as Jesus Christ was, who had the nature of the Father, and was actuated by the same light and power, yet he derived it all from the Father, as we must as the apostle says: 'For as many as are led by the Spirit of God, they are the sons of God;'—'And if children, then heirs; heirs of God, and joint heirs with Jesus Christ.'"

Exhibit 26, 2d vol. Quaker, p. 151, a sermon by Edward Hicks: "I ask, then, the question, how did he leave the bosom of his Father? Can we form no other idea than that of a corporeal being, leaving a located place somewhere above the clouds, and coming down to this earth? Is this the coming into the world that is meant? I want us to go deeper—to come to the spirituality of these things, and to recognise a spiritual Saviour, rather than an outward and corporeal one. Because it is only a spiritual one that can save us from sin. That animal body that appeared at Jerusalem, had its use and day, but the spirit that was clothed upon by the fulness of divine power, this was the Saviour—this is the Saviour to whom I look for salvation, and not by any means to anything outward or corporeal."

First vol. Quaker, 237, a sermon of Elias Hicks: "This was his cross—this it was that he was willing to submit to, under every

temptation: and he kept to this cross to the utmost, for he was tempted in all points as we are, and he had the same desires and propensities that we have, yet he stood firm, because he was instructed and led to see himself a poor creature. He had no merit of his own—he was a poor helpless male infant, whose life was dependant, under God, on the nursing of his mother."

We shall next cite a few passages on the subject of the atonement; 1 vol. Quaker, p. 214, a sermon by Elias Hicks: "But some would be saved by an imputative righteousness, the righteousness of one who died 1800 years ago. And here they will contend about it, and likewise assert that his crucifixion on the cross atoned for the sins of mankind."

Second vol. Quaker, p. 162, sermon by Edward Hicks: "His work he declared to be finished previous to his being crucified in that outward body. Therefore, what must we suppose will become of the doctrine so generally received in the christian world, that one of the main purposes of his mission was for him to suffer in that outward body, without the gates of Jerusalem, as a propitiatory sacrifice for the sins of the whole world. Here is a difficulty; for he positively declares that he had glorified his Father, and finished the work which the Father had given him to do. Now it must follow as a rational and clear conclusion, to every intelligent mind, that he must have told the truth or an untruth. If he told the truth, then he had finished the work which his Heavenly Father had given him to do; and if he told an untruth, the work must have been yet to do. But I am not disposed to believe this,—I do believe in the truth of the emphatic testimony of the Saviour himself, 'I have finished the work;' and therefore that his sufferings in the outward body, were ever incorporated in the original design of the blessed Saviour's coming into the world."

Second volume Quaker, p. 215, sermon by Thomas Wetherald: "Many thousands have endeavoured to throw the punishment of their sins upon Christ, and have been depending on the blood shed without the gates of Jerusalem as an atonement for their sins; but sin and futile are such ideas; they have their origin in ignorance, superstition, and spiritual idleness; and it is because we are not willing to work daily for our daily bread, and to know a purification effected in our souls, from those things which have a contaminating influence upon them; and, therefore, we are willing to throw our dependence and hope, false as they are, on the righteous Jesus; we are willing that he should bear the punishment for our sins, while we dopt unto ourselves his righteousness as our own."

We will now read some passages on the subject of the Scriptures: Hicks' Sermons, p. 95: "How is this mystery Babylon built? It is built of the best external materials; the best of all letter that ever was written on earth, and after all, it is nothing but letter. It is that which the wisdom of man has devised, and which he can work in for the sake of his own aggrandizement. They are striving to build up some-

thing like the great city formerly; that they who build it have something to boast of. Is not this great Babylon, that we have built, by our own wisdom and by our own power? These materials they have at their own command; the letter of the Scriptures, from which they can take everything that is suitable for the deceivings of anti-christ, to deceive the people. Now it is out of this Babylon, that the Lord's children are called to 'come out;'—out of these mixtures, that are built up in the wisdom of science, and the contrivance of the creature; for they are all deceptions and deceit."

"If the Scriptures were absolutely necessary, he had power to communicate them to all the nations of the earth, for he has his way as a path in the clouds: he knows how to deal out to all his rational children. But they are not necessary, and perhaps *not suited to any other people*, than they to whom they were written." Philadelphia Sermons, page 119.

"One would suppose that to a rational mind, the hearing and reading of the instructive parables of Jesus would have *a tendency* to reform and turn men about to truth and lead them on in it. *But they have no such effect.*" Ibid. p. 129.

"They have been so bound up in the letter, that they think they must attend to it, to the exclusion of everything else. Here is an abominable idol worship, of a thing *without any life at all, a dead monument.*" Ibid. p. 139.

"The great and only thing needful then is, to turn inward, and *turn our back upon the letter*, for it is *all shadow.*" Ibid. p. 225.

"Now the book we read in says, 'Search the Scriptures,' but *this is incorrect*, we must *all see it is incorrect*; because we have all reason to believe they read the Scriptures, and *hence* they accused Jesus of being an impostor." Ibid. p. 314.

"He [Jesus] does not move us *in the least degree to any book or writing whatever*, but leaves everything outward entirely behind as having passed by, for *he abolished all external evidence*, as not being capable of bringing about salvation to the soul." See Quaker; E. Hicks' sermon, vol. ii. 264.

"*No experience will ever be worth anything to us*, which is not our own experience, begotten through the influence of the blessed Spirit of God." N. York Sermons, p. 123.

Thomas Wetherald, at an irregular meeting held at Green street, says, "And I want us therefore, in our investigation of spiritual things, to bring *spiritual* evidence to prove spiritual truths. Let us attend to spiritual reflections, and not be looking to the *Scriptures*, and to the systems of men, and to the words of preachers; for *all* these being of an external character, *can only form an ignis fatuus*, which 'leads to bewilder and dazzles to blind.'" Quaker, vol. ii. p. 217.

In accordance with the above sentiments concerning the Holy Scriptures, the Berean says, "*In vain does any man quote the Scriptures as authority for his opinions*; for if they have not been im-

mediately revealed to his own mind by the Holy Spirit, they deserve no better name as it respects him, than *speculations*." Vol. ii. p. 211.

"Those revelations were for other times and other states, and *not for us*. They belong to those to whom they were immediately revealed. And that, and *only that*, which is immediately revealed to us, belongs in like manner to us and to *us only*." Ibid. p. 212.

"Now the revelations respecting the nature of God, which were made to the Israelites, are true when viewed as in connexion with, and as having relation to their spiritual condition; but to *any other state*, they are *not true*; therefore, *such revelations* abstractedly taken, are NOT TRUE IN THEMSELVES—ARE NOT THE TRUTH OF GOD." Ibid. vol. i. p. 403.

We might cite many more passages, but we have already laid before you sufficient to show the character of the sermons, and the kind of doctrines which were preached in that part of the society, and that they were fully adopted and promulgated by their ministers.

It is said that these books of sermons have not been approved by their meeting of sufferings. The court will recollect that we do not offer them as standard works, published by private members, but merely as a specimen of the kind of sermons preached by their ministers in their public assemblies, and as fully corroborating the testimony of the witnesses. Now this is a very different thing from their standard works. Any individual may write his opinions, but the society is not responsible for them unless it sanctions and adopts them.

One of the great objects of a society is to promulgate its doctrines, and to take care that the ministers by whom they are to be preached and put forth are sound in their faith: and if they are not so, they are to be stopped. When we find certain doctrines preached by ministers accepted by them, and in full unity with them, it is a very strong evidence that they are entertained, and we have proved that Elias Hicks, who was evidently the leader of this party, and with whom they were in full communion, did preach these *unsound* doctrines. But I will take a witness from the other side, Abraham Lower, vol. i. p. 468.

"Q. Was Elias Hicks in unity with the yearly meeting you belong to, up to the time of his decease?

"A. I think he was.

"Q. Did he attend that meeting in Fourth-month, 1828?

"A. I am almost always at a loss about dates. I think he did.

"Q. Did that meeting make a minute expressive of their satisfaction with his company and services?

"A. I think it did. I include his company and services both."

And in page 474 he tells you that it was the doctrines preached by Hicks which originated all the difficulties respecting him, viz.

"But the circumstance stated, I believe to be matter of fact. It was on account of *doctrines* that that body of elders were organized.

as a party against Elias Hicks, who were, as before stated, a part of that caucus held at the close of the meeting for sufferings. The same individuals who were most active in producing the rupture that then occurred in that unwarrantable attack upon Elias Hicks, and more indirectly, though really, upon the monthly meeting of Jericho, of which Elias Hicks was a member, and had given him a certificate of its unity with him, which of course included their approbation of the doctrines he preached; and of Westbury quarter, of which Jericho monthly meeting was a branch, and of the yearly meeting of New York. It was on doctrines that Joseph Whitall arraigned him before that self-constituted body, who thus arrayed themselves in opposition to Elias Hicks, and those who approved of him; and which Joseph Whitall stated in his accusation of him, to be two-thirds of the yearly meeting of New York, in which he appears to have been remarkably accurate; for, I think, there is five thousand Orthodox left the yearly meeting of New York, and twelve thousand Friends remain."

Here you have a man, not a private individual in the society, but a minister of its Gospel, and a prominent one too, a man held forth by this party as particularly distinguished in his life and doctrines—the slightest disrespect to him, or effort to oppose him, put down, and the whole society blown into a flame by it—who comes forward, and, in his sermons published to the world, preaches doctrines entirely repugnant to those of the society to which their party now would have you believe they are attached. And Abraham Lower, another minister in full unity with Elias Hicks, says that Elias Hicks was at the yearly meeting in Philadelphia, in 1828, and that he was in full unity with them, and after this you find them giving him a minute of approbation, both as to his doctrines and his services. If this is not ample proof of the doctrines held by that party, I know not what is sufficient to satisfy any court. But we have letters written by Elias Hicks in which the same doctrines are put forth. I refer, first, to his letter to Thomas Willis, 2d vol. Dep. p. 421 :

"Thine of the 27th instant I have duly considered, and although, like thyself, I was brought up and educated in the historical and traditional belief that the conception of Jesus of Nazareth, in the womb of Mary his mother, was effected by the power of God, and this has been my belief, as far as history could produce a belief, for more than fifty years; and although I read, or have heard the Scriptures read, many times over, yet as I read them, or heard them read, under the prejudice of a traditional belief, I never observed anything that appeared to militate against it; but having, in the compass of a few years past, been led into an examination of the ancient history of the professed christian church, wherein I discovered, that many who made profession of the christian name believed otherwise."

I refer to this passage to show that the doctrines which he then held forth were not those in which he was *educated*. In his letter

to Phebe Willis, p. 420, there is a similar passage. And in his letter to Thomas Willis at Jericho, Long Island, there is a similar doctrine. In his letter to Dr. Shoemaker, vol. 2, p. 422, he says :

"Thou queries after my views of the suffering of Jesus Christ the Son of God, and what was the object of the shedding of his blood on the cross, and what benefits resulted to mankind by the shedding of this blood, &c. I shall answer in a very simple way, as I consider the whole subject to be a very simple one, as all truth is simple when we free ourselves from the improper bias of tradition and education, which rests as a burthensome stone on the minds of most of the children of men, and which very much mars the unity and harmony of society.

"1st. By what means did Jesus suffer? The answer is plain—by the hands of wicked men, and because his works were righteous, and theirs were wicked. Query. Did God send him into the world purposely to suffer death by the hands of wicked men? By no means : but to live a righteous and godly life, (which was the design and end of God's creating man in the beginning,) and thereby be a perfect example to such of mankind as should come to the knowledge of him and of his perfect life. For, if it was the purpose and will of God that he should die by the hands of wicked men, then the Jews, by crucifying him, would have done God's will, and of course would all have stood justified in his sight, which could not be. But it was permitted so to be, as it had been with many of the prophets and wise and good men that were before him, who suffered death by the hands of wicked men for righteousness' sake, as ensamples to those that came after, that they should account nothing too dear to give up for the truth's sake, not even their own lives."

And in page 423 he says: "*I do not consider that the crucifixion of the outward body of flesh and blood of Jesus on the cross, was an atonement of any sins but the legal sins of the Jews ; for as their law was outward, so their legal sins and their penalties were outward.*"

In these various letters the Court have an account of the views Elias Hicks entertained in regard to these important doctrines, and they are directly opposed to the doctrines which we say were professed by the society of Friends. He denies entirely the doctrine of the atonement. He says that our Saviour, Jesus Christ, was a mere man, divinely inspired, but only in a measure, and adapted to the office he had to perform—that he was only an external *Saviour*, and limited in his saving operations to the Jews only, in healing external diseases. In respect to the Scriptures, he says that he believes they have done four-fold more harm than good ; he does not ascribe the abuse of them to the wrong frame of mind in which they are read, but he charges them with being positively inconsistent and contradictory, and not as easily understood, or as useful, as the early writings of the society of Friends. He rejects the divinity of the Saviour—says he is on a parallel with other men, and looks on him as a mere

Israelite,—but as to the efficiency of his atonement, his divinity, or the inspiration of the Scriptures, he rejects them ; and while exhibiting these views, he also sets forth what were the original doctrines of the society, and shows, at the same moment, how entirely he has departed from them. Elias Hicks was bred up in the original and pure faith of the society, and he found it very difficult to shake it entirely off. He did so, however, and he got into a new light—fresh views came thick and bright upon him, and enabled his friend and coadjutor, Abraham Lower, to say that he was a hundred years in advance of the society.

They bring forward his answer to six queries put to him in the year 1829, by some of his Friends, and a certificate appended, signed by a number of them, to show what their doctrines were, and that they were in unity with the true society of Friends. A more artful piece of invention was never exhibited in a court of justice. It was manufactured after this controversy had arisen. In p. 432, he says: “ I have ever believed, and asserted, from my youth up, that I had as full a belief in the miraculous conception of the fleshly body of Jesus Christ, as it was possible for the history to give belief. And I may now assure thee, that I never thought or said that I believed Joseph was his father.” Now we have his letter to Phœbe Willis, in which he stated, that in the history there was considerable more evidence in the Scriptures to show that Christ was the son of Joseph than the son of God. Consequently, according to his own statement, the history would prove him to be the son of Joseph. In his answer to the second query, he says :

“ As respects the divinity of Jesus Christ, I apprehend no minister in the society of Friends, has more often in his public communications, asserted the divinity of Jesus Christ, the Son of God, than I have, assuring my hearers, that he was fully swallowed up into the divine nature, and complete divinity of his heavenly Father. But I have never believed that Jesus Christ, the Son of God, was the *father of himself*, but that he was truly the Son of God, endued with power from on high, by which he was qualified to usher in and introduce the new covenant dispensation, as prophesied long before, by Jeremiah the prophet, when all outward mediation should cease, as the law of God was now to be written on the inward table of the heart, and not on tables of stone, or with pen, ink, and paper ; after which no man was to say to his neighbour or brother, know the Lord, for all shall know me, from the least to the greatest. This is the covenant that I acknowledge, and I acknowledge no other, and this I consider the only real gospel covenant.”

You will find that in one of the passages which we have read from his sermons, he uses the same language in regard to every good man. In reply to the second part of the sixth query, he says :

“ I would remark, that I see no need of directing men to the type for the antitype, neither to the outward temple, nor yet to Jerusalem, neither to Jesus Christ or his blood, outwardly ; knowing that neither

: righteousness of faith, nor the word of it, doth so direct. The
 w and second covenant is dedicated with the *blood, the life* of
 rist Jesus, which is the alone atonement unto God, by which all
 people are washed, sanctified, cleansed and redeemed to God."

There is a character of evasion about these answers, which cannot
 t strike every impartial reader. Had he really entertained those
 strines which we have shown were also held by other Friends. If
 believed in the inspiration of the Scriptures, or in the atonement,
 y not say so in direct terms? If he believed in the divinity of

Saviour, why did he not take some of those passages of Scrip-
 e which the ancient writers of this society selected when they
 ired clearly to illustrate their faith? Why take language which
 nits of a double or equivocal construction? But when were
 se queries prepared? We find it was in the year 1829; and it is
 nifest that they were prepared after the separation had occurred
 the New York and Philadelphia yearly meetings. The opposite
 ty saw that this division must necessarily create difficulties re-
 ecting the property, and that this would involve the question of
 strines; and it is obvious that these queries were addressed to
 as Hicks, and the answers elicited with reference to that event.
 as Hicks himself, in replying to the queries, expressed his surprise
 t such a letter should be written to him, and yet believes it was
 y done as a matter of friendship: and in p. 434, we have a cer-
 cate appended to it.

Allow me to make one or two further observations on the subject
 this extraordinary piece of testimony. It must have been given
 some purpose, and it is intended to prove that their great promi-
 nt leader, of whose character, conduct, and preaching they ex-
 orted so much jealousy, did not entertain the religious doctrines
 ribed to him and his party, and they here pretend to show what
 re his real sentiments. What opinion are you entitled to form of
 : defendant, Decow, and his witnesses, who, when they are called
 on to answer on their solemn affirmation what are the doctrines
 untained by them, and what is the preaching of their ministers,
 cline to answer, and say that they believe in their consciences they
 ght not to answer? Were they sincere in refusing to give evi-
 nce under oath, when they gave evidence which was not under
 th? When you find them manufacturing questions, getting them
 rwered, and appending their delusive certificates to them, and then
 er it in evidence, and yet, when asked to testify under oath, re-
 uing to disclose, must not suspicion naturally rest upon them?
 ere is only one conclusion which a rational mind can draw from
 ch a procedure. It is, that they are afraid to testify to those
 ngs, under oath, which they have artfully endeavoured to esta-
 sh by evidence manufactured out of court, and not under the sanc-
 n of an oath, or judicial solemn affirmation. Elias Hicks came
 ward as a teacher of new doctrines, and instead of going out openly
 on the society, he continued in the midst of them, sowing the

seeds of discord within their precincts as though he were a fully conforming member. He avoided questions as to the correctness of his doctrine, and pleaded for the propriety of it; sometimes slightly shadowing out his doctrines—sometimes declaring them more boldly; but generally very careful in his proceedings; and you find him justifying this course of conduct by that of the apostle Paul on the principle of “all things to all men that they may win some;” forgetting that St. Paul was a man who never flinched from the straight path of his duty, however rugged it might be; though he might, at times, accommodate himself to the habits and opinions of those with whom he associated, in matters not relating to his ministry. This course, on the part of Elias Hicks, must necessarily diminish your confidence in his statements artfully prepared after the controversy has arisen, and to warrant you in calling for legal and responsible evidence on their part as to their doctrines.

There is one circumstance more to which I would refer the court; it struck me for the first time when I heard the depositions read here; though I had read them myself before. The leading questions put to the witnesses on the part of Decow, show conclusively that they believe in those doctrines which we have ascribed to them. No man could have any difficulty in discovering what were the views of that party. If we have been mistaken in the doctrines of Elias Hicks, it was in the power of the opposite party to show it. If they were not in full unity with him it was equally in their power to show it; and when they fail to do so, and bring forward such evidence as they have here introduced, the unprejudiced mind can only come to one conclusion—that they do not believe the doctrines which we believe and which we have proved to be the original and fundamental doctrines of this society. They believe in the opposite doctrine; they are afraid to meet us because they are not in the same faith with us. They worship the God of the socinian; not the God of this religious society which has existed for ages, and which has been dispensing its benefits and blessings through every community in which it has flourished.

The court adjourned.

Monday afternoon.

MR. WOOD resumed :

I shall now proceed to lay before the court some authorities for the purpose of showing that when a division takes place in a religious society, and a separation occurs on the grounds of doctrine, that part of the society that continues to adhere to the old doctrine, is entitled to hold the property.

I have already explained the law under which, as I conceive, this property is held, to wit—the law of charitable uses. And I have

ted that the principles of this law sprang up when the christian
tem was recognized by the government of the Roman empire,
l that it was thence, with the diffusion of christianity, carried into
the christian countries of Europe, and among the rest, into Great
tain. Under this law the religious institutions of New Jersey
ve grown up. These religious institutions were formed for the
rehip of God, and the diffusion of morality, and thereby for the
motion of the great ends of government. Though they are all
med for religious worship, yet there is a difference among them, as
ll in regard to doctrine as to church government, according to the
erent views of the founders by whom they have been established.
s necessary, however, that all who unite together for religious
rehip, should agree in general principles. These religious insti-
ions have, then, been formed according to the respective views of
ir founders; and hence we have different religious societies in
w Jersey, such as presbyterian, methodist, baptist, episcopal, and
tch reformed. In order to preserve their existence, and their
fulness, it is necessary they should be protected in their particular
ganization, and their regular gradation of tribunals. In this way
y actually do exist. These institutions are not of mushroom
wth. Time was requisite to establish them on a firm and solid
ia. And in a long course of time they have been brought to ma-
ity, and now they exist in the different forms in which you see
m, and adapted to the condition of the various classes of society,
d the diversified views of the human intellect, and the various
nions and habitudes which are engendered in society. In
a point of view even a deist might feel a deep interest in their
ervation; and a baptist, or a methodist, for instance, might take
interest in the preservation of the other religious institutions as
ll as his own. Almost every individual may find some religious
stitution to suit his own views and feelings. Each one is at liberty
abandon the religious society to which he may have belonged,
d seek a new one, when his opinions change. If an individual
not agree with the religious society with which he is in connex-
n, he ought to withdraw from it, and join some other.
It is the policy of our religious institutions, and it is a policy
ich accords with the principles and promotes the interests and the
ews of our government, to invite all to come in and become mem-
rs of the various congregations, and listen, that they may at least
come moral men thereby, and perhaps in time religious members.
t if the principle of the opposite side prevails, a contrary policy
ll become necessary. If the members of religious institutions are
be taught that the church property is their property, and that a
jority of them may dispose of it as they see fit, or call for a divi-
n, all they have to say is—we cannot concur in the religious doc-
nes, discipline, and government of the ancient church of which
s congregation is a member. We must separate, and we call for a
vision of the property, that we may take our share.—And the pro-

perty not being susceptible of a division, as is generally the case with such property, church, church-yards, tomb-stones, and all, will then be put up to sale. They will put the money in their pockets, and do with it as they please.

This view of the subject must satisfy all unprejudiced minds that the members of your religious institution have no such right and no such power; but that while they continue members of a church, they must conform to its fundamental doctrines, and usages. I shall now undertake to show to the court, that the views I have submitted on this subject are not novel, but that they are fully established in the law and supported by numerous authorities, as well in England as in this country. I will first call your attention to the views of your late chief justice; in p. 27, of his opinion, he says:

“A jealousy of power may suspect too much confidence in the fairness and candour of the clerk. But the conclusive answer to all such suggestions and suspicions is, that they are free to act as their judgments and consciences may dictate. We are not to interfere with their church government any more than with their modes of faith and worship. We are to respect their institutions, and to sustain them. Nor can any individual be hereby aggrieved. He is under no restraint to remain among them. Whenever he is persuaded that either their faith or their practice, does not accord with his own views of reason and Scripture, he is at liberty to leave them, and to seek elsewhere, more purity, more spirituality, more christian and Scripture order, more safety, more republicanism, or more peace.”

If in the indulgence of his love of liberty, an individual wishes to carry his principles beyond those of the religious society to which he belongs, he has not a right, while in the society, to do so.—This would be carrying liberty to licentiousness. But he should leave them, and then he may get “one hundred years in advance” of them in spirituality if he pleases; may preach against the use of the products of slave labour, and insist upon such conduct on the part of his hearers, as shall in all respects meet his own notions: but he must first come out from his old society to which he formerly belonged. In this way the religious liberty of the individual is made to harmonize with the liberty of religious societies and the protection of religious trusts.

I now propose to lay before the court certain authorities from both English and American books, to corroborate what I have stated. It is important here to consider one point, on which we may otherwise be misunderstood. We do not pretend to say, that, where the majority principle prevails, the majority should not govern. We hold, that wherever the majority principle prevails, and is the established mode of decision, the majority should govern, in religious meetings. If two-thirds are, according to the constitution of the society, to regulate their proceedings, then two-thirds should govern. But according to my view of the case, whenever an attempt is made to over-

turn the fundamental doctrines of the society, or its essential principles of government, as adopted by its founders, this cannot be done, by either a majority or a minority. And this depends on this principle, so familiar to every chancery lawyer, that no body of men, great or small, can be allowed to break a trust. Trusts are sacred, and the court of chancery will protect them. In 3 Merivale, page 352, is a case to which I would call the particular attention of the court.

The learned counsel has endeavoured to guard you against being influenced by decisions in England. He tells you that they have there an established church, to protect which is an especial object of the government. Now all the cases to which I shall refer, shall be those of dissenting churches, which are not fostered, but simply tolerated by the government. To cases of this kind, the objection of the learned counsel will not apply. If religious trusts of this kind are protected in the English courts of chancery—if when a dissenting church is devoted by its founders to the worship of God according to certain doctrines, and its preservation is guarded by a church government duly organized upon certain established principles, the members for the time being are not permitted by the English court of chancery to break through those great land marks, does it not show that the principles of this protection are based on truth and justice? Why else would such protection be extended to churches merely tolerated and not encouraged by the government? The case to which I have already referred you in 3 Merivale, is that of the *Attorney General v. Fearon*, and the passages to which I now wish particularly to call attention, will be found on pages 367, 368, 372, 373, 396, 399, 400, 402, 403, 410, 411, 412, 415, 417, 418, and 419.

[Here Mr. Wood read different passages from the above pages.]

Here the defendants set up a plea, that they were a majority of the congregation, and that they had united in the choice of another person who was a unitarian. They had for many years been trinitarians. In 1813, they chose a unitarian clergyman, Stewart, who became a trinitarian in 1816. They then dismissed him, and the trustees, with the consent of the congregation, appointed in his place, one Joseph Guy, a unitarian clergyman. In consequence of this, an information was filed by the attorney general. The said chancellor declared, that, it being a trust for religious purposes, a court of equity would take complete jurisdiction. That in the formation and endowment of a church for religious worship, in which the kind was not mentioned, the court would, for explanation, resort to usage. That it was not in the power of individuals to change the purposes of such an institution; that if originally established for trinitarian purposes, it could not be converted to purposes anti-trinitarian. That the court had nothing to do with religious doctrines, except to ascertain the purposes of the trust; and that the court is bound to determine this question.

This case meets all the questions which have arisen in the cause under consideration, and these principles I mean to apply throughout.

The chancellor says, "that the *original* purposes of the trust are to be inquired into. He will not inquire if they are right or wrong in the abstract; but if they are legal, he will see that the trust is not perverted from its original purposes." The court will see how jealous the English court of chancery is of the abuse of religious trusts. It was on a public information, filed by the attorney general on behalf of the government, that the cause came before the chancellor, in order to protect this church from abuse by the majority of the trustees and the beneficiaries for the time being.

In 2 Blye's Reports, p. 529, is the case of the associate congregation of Perth.

This case is interesting, because it establishes two important principles. First, that when there is a difference of doctrine, the court will decide in favour of that party which adheres to the ancient doctrines of the church. Secondly, that when there is a difference in regard to government, the court will decide in favour of those who adhere to the old government. But the question of doctrine furnishes the primary rule, and an adherence to the ancient established doctrines of the church, is indispensably required to constitute church membership.

Suppose, says the learned counsel, that there should be a division in the yearly meeting, on the subject of the influence of the divine light upon the soul, and the majority should declare that it is a doctrine which ought to be rejected. And suppose the preparative meeting at Crosswicks should refuse to adhere to the decision of the yearly meeting on this point, would it thereby lose its property? I reply, I trust not. Here the point of doctrine is fundamental and primary, and the court would sustain the preparative meeting.

This principle is further illustrated in 2 Jacob & Walker's Reports, p. 427.

These references from English books will suffice; and they are all cases of dissenting churches. When we come to consider the decisions of the courts in this country, we will find that they act on similar principles.

Beginning at Massachusetts, the first case to which I shall refer, is that of *Stebbins v. Jennings*, 20 Pickering, 172.

This was an action of trover, brought by one deacon against another deacon for some articles of church furniture. The church is in the third precincts of Brookfield. One party in this church had united with another association, calling itself the evangelical society of Brookfield, taking with them their minister, Mr. Stone.

In this case, a large majority of the society became dissatisfied with the doctrines of their church, and set up another, which they called more evangelical, leaving behind but two male members, and a minority of female members. The court decided that the min-

y, seeing that they adhered to the old organization and the old doctrines, should retain the property.

The case of *Baker v. Fales*, 14 Massachusetts Reports, p. 488, which has been cited by the opposite counsel, does not militate against this decision.

When you examine this case, you find the decision is, that the party seceding does not constitute the church, though they may be a majority, and cannot carry off with them the church property.

The court declared that, "when members enough are left to execute the objects for which a church is gathered, the secession of a majority of the members would have no other effect than a temporary absence of members would have on a meeting duly summoned."

Here is a very important principle laid down. It effectually precludes the idea of a joint stock fund in church property, and a consequent right in the members for the time being, as owners thereof, to divide among themselves. The members of the church are not tenants in common. The property belonging to the church is protected by the law of charitable uses, to be devoted in trust to the charitable and pious purposes for which the endowment was originally made, and does not belong to the members for the time being, to be disposed of as they may see proper.

It appears to me that this case, instead of establishing the proposition of the learned counsel, is dead against it. For it states that, when a secession takes place, the property belongs to those who are left behind, though they may be in the minority. The same position is corroborated, in 8 Massachusetts Reports, p. 96. As far, then, as the authorities in Massachusetts are entitled to respect and consideration, we have established our position. Any man is at liberty to withdraw from the religious society to which he belongs, and to join another, and that this is true religious liberty: but he is not at liberty to carry the church property with him, for that would be licentiousness, and would be incompatible with that protection which the law extends to religious societies.

The same doctrine is adhered to by the supreme court of New York, in the case of *Field v. Field*. This is an important case, something like the present, and growing out of the like unhappy dispute in the society of Friends. The society had a school fund of which Field was treasurer. As treasurer, he had lent out money. A division took place in the society, and Carpenter was appointed successor to Field, as treasurer. A division took place in the monthly meeting, not in the preparative. Two preparative meetings were afterwards held, and the new preparative meeting held by direction of the orthodox monthly meeting, appointed Carpenter. Here the question came up, whether a majority has a right to organize a church anew, to suit their own purposes. In this case several important principles were settled.

In the first place, it was decided, that a majority are as much governed by the discipline and constitution of the society as the

minority, so that a minority adhering to the discipline and government of the society, are the true church, though compelled by the misconduct of the great mass of the members of the meeting to remove to a different place from that in which their meetings are ordinarily held.

Secondly, That a clerk may be changed, if he has become incompetent. For what purpose? That one may be appointed to perform the duties of the station in order to prevent a dissolution of the society, which the court is studious to prevent.

And, thirdly, That the rights of the subordinate meetings are identified with those of the superior meetings to which they are attached.

In a case lately decided by chancellor M'Coun, the principle for which I contend is adopted. It is the case of the reformed presbyterian church, in Chambers street, in which the vice-chancellor said, that the superior ecclesiastical tribunals were authorized to pass upon the rights of a clergyman, contrary to the wishes of a majority of the congregation, and that their decision would be recognized by law. Here the opinion of chancellor Walworth, as cited by the opposite counsel, is fully met.

The case of the baptist church, in *Hartford v. Wetherill*, 3 Paige's Chancery Reports, has been cited by the opposite side. In this case the chancellor dismisses the cause as one not within his jurisdiction. He then gives an extra-judicial opinion, the amount of which is, that he is not prepared to adopt the opinion of lord Eldon, in regard to the nature of religious trusts. He says, the statute of charitable uses is not in force here—if it is not, I hope I have satisfied the court, that the protection of religious institutions did not depend on the statute, but on principles of equity—laws previously existing which were only recognized by the statute, not introduced by it. The chancellor, in another part of this case expresses a doubt whether courts of equity ought to protect these religious trusts, because, forsooth, some of these trusts might in time, in the progress of intellectual improvement be considered superstitious. But when it is found that a trust has become superstitious and impolitic, and of course unlawful, it will then be time enough for a court of equity to say that it will not apply to it the principle of protection. Another error, as I conceive, in the opinion of the chancellor, is that in relation to the distinction between church and congregation, or between the communicants and the other members of the congregation. The communicants, he seems to think, who are under the religious judicatories, are bound to adhere to their established mode of faith and worship: but the congregation may change both. What confusion would this lead to? Here is a presbyterian church in Trenton, those members of it who are under the religious judicatories, are bound to adhere to the faith and worship of the presbyterian church, as declared in its standards. The congregation may change both at pleasure, and carry the change into effect within the very walls in which

communicants, who worship with them, are to suffer no change. Could not this introduce a scene of disorder and confusion destructive of all religion and morality? The communicants and other members of the congregation worshipping together, must be identified in religious principle, profession, and practice.—The spiritual life of the church is from time to time supplied from the other members of the society. If they should differ in respect to the great fundamentals of christianity, who is to choose the pastor, and which side is he to please?

In a case recorded in 20th Johnson's Reports, p. 12, the supreme court of that state recognized no such distinction between communicants and congregation. In this case a subscription had been made for the support of a clergyman of the Dutch reformed church. He was afterwards dismissed by his classis; but, on an appeal to the synod, was restored. It was determined that his right to the subscription money made for his support, was not affected by his dismissal by other classis, because the matter was determined otherwise by the highest ecclesiastical tribunal, which was considered in the moral court as final and conclusive.

In New York, then, the principle is settled in our favour. But there is no necessity for resorting to foreign cases. The question has been repeatedly decided in New Jersey. In 7 Halsted, 206, we have the case of *Denn v. Bolton*. This was the case of a Dutch reformed church. Some persons who thought themselves more pure and evangelical than the other members of this religious society, set up a new classis, and called themselves the true Dutch reformed church. In this case the congregation divided, and the question arose which party was entitled to the property. It was decided that those who had set up the new classis, had ceased to be members of the Dutch reformed church, and could not carry the property away with them, or call for a division.

In 4 Halsted, page 390, will be found the case of the *State v. Rowell*.

This was the case of a presbyterian church at Perth Amboy. They had a clergyman who was silenced from preaching in their church by the church judicatories: but a large majority of the congregation, as many as three-fourths, remained attached to him. The presbytery sent supplies. The majority refused to pay up the old subscription list, and set up a new subscription for the support, as was alleged, of Dr Andrews, the minister who had been silenced by the church judicatories. Their language to the minority was, "If you want supplies, you must pay for them." Here was a case in which the doctrine of chancellor Walworth was applicable, if it was applicable any where. The majority elected trustees of their own; the minority appointed another set. A *quo warranto* was taken out to ascertain who were the true trustees.

The court decided that those members who had refused to pay their original subscriptions, had forfeited their right to vote in church

elections ; that the ecclesiastical judicatories had a right to settle the principles in regard to membership, and that such as flew in the face of these judicatories lost their rights ; and that the trustees, therefore, elected by the *minority* were the true trustees.

Here is the unanimous opinion of the three justices of the supreme court. It is in direct opposition to the doubts entertained by chancellor Walworth, that a distinction should be made between church and congregation. It affirms that if a large body dissent from the judgment of the ecclesiastical judicatories, and carry off the church property with them, they must restore it. That if they endeavour to change a presbyterian church existing under a regularly organized church government, into an independent church, they will, instead of effecting their purpose, lose their rights of membership.

A case which came up, in the court of chancery of this state, long before the present controversy arose, and which was decided by chancellor Williamson, is exactly in point. It was a case in which, on a division of the church, a division of the property was claimed on equitable principles. I allude to the case of *Rycum v. Roome*, which was tried in 1822.

In this case, the chancellor took the correct view of the subject, declaring that the property did not belong beneficially to the congregation, but to the religious institution. That as members, in its collective capacity, and while members they may enjoy and manage the property, but for the benefit of the institution. That they have no interest which they can divide, but a mere right of enjoyment incidental to membership. That he cannot deem it a trust for two congregations, and that the old congregation is entitled to the whole of the property.

I have now brought a string of authorities from the English courts, and from the courts of Massachusetts, of New York, and of New Jersey, and I have, I hope, established, to the satisfaction of this court, that churches are, as long as they are lawfully conducted, protected by the law, and that no individual, or set of individuals, have a right to change their faith and discipline in fundamental and essential points. They are a trust, protected by the court of chancery.

The cloud of suspension and doubt on the mind of chancellor Walworth, cannot stand against this galaxy of authority. It was not doing justice to that distinguished officer to bring up an extra-judicial doubt of his in a case like this and endeavour to pass it off as a precedent. He himself, if the present case were before him, would disregard this doubt extra-judicially expressed, if on more mature investigation it did not accord with his deliberate opinion. Lord Eldon was in the practice of disregarding his own extra-judicial opinions. Justice Buller tells us that no person was more ready than Lord Mansfield, to depart from his *nisi-prius* opinions, though they were judicial decisions, when convinced that they were wrong, upon fur-

ther and more mature reflection. That great man, of whom the same justice Buller has said, that he seldom discussed a point of law, but all around him were lost in wonder at the extent of the human intellect. That great man did not hesitate to change an opinion hastily formed, after more deliberate consideration.

The religion of your state exists, and has always existed in the form of religious societies, established for the support and promulgation of particular religious doctrines and modes of worship, and organized under regular church governments, many of the rules of which are deeply interwoven with religious faith. They invite all your citizens to come under their wings and to receive religious and moral instruction, and finally to be prepared for partaking of their highest spiritual benefits. You are now to determine whether you will continue to protect these religious establishments upon the principles I have stated and explained, or leave them to the mercy of the winds and waves.

I now propose to show that the "Hicksite" party have seceded from the government of the church.

We find there are two parties having a separate organization. One alone can be the true government. Which is the old government, and which the new?

I do not stop to inquire about violation of discipline charged against us in bringing this suit originally. Shotwell was not a member of the society when the separation took place. If he had been, it would have been necessary to go to a court of justice for redress, since, after the separation, there was no other common religious tribunal in the society to which the parties could resort.

This yearly meeting was established in 1685. It was a regularly organized body, meeting yearly, and adjourning to a fixed time and place. For a number of years it used to assemble on the third second-day of the fourth month, (third Monday of April,) in the meeting house in Arch street, Philadelphia. In 1826 the yearly meeting held a regular session, and transacted business as usual. The members now composing each of these parties attended, and the meeting was regularly adjourned.

In 1827, a yearly meeting was held at the usual time, and pursuant to this adjournment. Both parties met, and regularly recognized its existence and organization. It regularly transacted all its business, and adjourned.

The court will find an account of these transactions, in the opinion of the late chief justice, between pages 21 and 23. The meeting that was regularly organized and adjourned in 1826, and that regularly met in 1827, and was adjourned, has regularly met ever since at the usual time and at the usual place, in Arch street, and is the old yearly meeting continued.

It is contended on the other side, that this meeting was absolutely dissolved—broken up into its original elements, and that they have reorganized it, and succeeded to all its rights. They allege that va-

rious acts of misconduct led to its dissolution. They call those who were concerned in these acts, aristocrats, men of wealth, and men who have raised large sums out of custom house bonds, &c. &c.

These various causes alleged are, however, trifles, and such as could have been easily adjusted, if the parties were not divided on higher grounds. Such were the views of the chief justice, to whose remarks, on page 58, I beg the attention of the court. He says :

“In the course of this investigation, it has repeatedly occurred to me, and every time with increasing force, that the grounds of division, if no difference of religious faith existed, were of an inferior and evanescent nature. It seems to me, though perhaps I am unable, not being a member of the society, properly to appreciate the matter; that patience, forbearance, brotherly kindness, and charity; the meek and mild spirit which has been believed to characterize and adorn the genuine Friend, would, under the smiles and blessings of providence, have wrought out a perfect reconciliation, have brought again these discordant minds to the wonted harmony, and the unity of the spirit would have again prevailed. If, indeed, a difference of faith and doctrine had grown up and become strong; if either party had fallen off from the ancient principles of their church, and I use the term here as did Fox, and Barclay, and Penn, the breach is not the subject of surprise, and it must, with no less truth and regret, be said, ‘between us and you there is a great gulf fixed.’ ”

I think any man who will take the pains to inquire into the alleged grounds of dissatisfaction, will assent to the justness of the chief justice’s conclusion. The subjects of complaint, supposing there is nothing kept out of view, are of a trifling and evanescent nature. But if, as the chief justice intimates, there was something rotten in one of the parties : if, as we allege, their leader had become a socinian : if, as he has acknowledged in his letters, he had departed from his original faith : if, from a perusal of Priestley’s works, and the “*Celestial Magnet*,” he had changed the God he worshipped, and his party have followed him in this change, the reasons they give for dissatisfaction with the Arch street yearly meeting must be regarded as a mere pretext.

That a radical difference of opinion was the ground of the secession, is testified to by Samuel Bettle, in vol. i. p. 67, and by Thomas Evans, vol. i. p. 308-9.

We could not get Abraham Lower to speak distinctly on this point, because he had taken it into his head that the court had no right to inquire into matters of doctrine. But on page 40, vol. i. he is asked if the elders in Philadelphia had any personal objection to Elias Hicks. He had first been asked, if there was any difference between the elders and Elias Hicks in regard to doctrine. This he declined to answer, on the ground already stated : and he would not answer the question, whether there was any personal objection on the part of the elders to Elias Hicks, because he supposed it to have an indirect bearing on the subject of doctrine. His silence

asks volumes. He shelters himself from answering the question, under the pretext that they had no right to inquire about doctrines, thereby clearly intimating that the objections to their leader rested on his doctrines, and were not of a personal character.

Here is a ground of difference. Here is a real apple of discord. With such a ground of dissension, the dispute is natural, probable. Without it, all this dissension is strange and unaccountable. It is strange, indeed, that this society always moving in harmony, should, when Elias Hicks comes among them, all at once get into such difficulties, and with nothing to dispute about. Then, one side becomes, at once, arbitrary and domineering. The other declares it cannot bear this conduct no longer, and sets up a new government on the principles of the American revolution. When Elias Hicks comes among them, with Priestly in one hand, and the "Celestial Magazine" in the other, then, and then only, the elders become domineering, and then, and then only, is it necessary to effect a division.

Another suggestion of great importance is this: that this division took place in four yearly meetings at nearly the same time. In 1827 a division was effected in Philadelphia; and in the next year, we hear of it in New York, Baltimore, Ohio, and Indiana. Each yearly meeting split into two parts. All the "Hicksite" meetings are in unity with one another. All the yearly meetings in the rest of the world, are in unity with Arch street yearly meeting. What caused the division in the other yearly meetings? Was it not a difference of doctrine?

Allow me to call your attention to the causes which are supposed to legitimize this secession on the part of the "Hicksites."

The first was "the insidious effort to palm a creed on the society," in the language of Abraham Lower. He gives us an account of this effort, in vol. i. p. 369, of the testimony: "A jealousy got up, and diffused itself all over the society, from the circumstance of this insidious effort to palm a creed upon it, a society which never had a creed, and so far as my knowledge extends, and I have a pretty considerable acquaintance with the writings of our early Friends, never published anything, or wrote anything, in the form of a creed for its members; but on divers occasions published declarations of what they believed, generally by individuals, to vindicate the society from false charges and calumnies which were published against them, in order to make it appear, that they were not christians. The society believing now, as they did in the first formation of it, that the bond of union by which it was bound together, was, and is, as Robert Barclay expresses it in his pamphlet, called, 'Anarchy of the Ransoms,' the 'life of righteousness,' by which we understand in the peculiar characteristic phraseology of the society, the living under the government of the 'light within,' or in other words 'Christ within.'"

Samuel Bettie gives us another account, on pages 71 and 72: "In the year 1822, there was a discussion in a public paper published at

Wilmington, Delaware, conducted under the signatures of Paul and Amicus; Paul attacking Friends, and Amicus speaking on their behalf; and in a manner, too, which showed that he was speaking for the society, clearly. After this discussion had progressed for a considerable time, Amicus avowed doctrines as parts of the christian faith which we could not accord with; they appeared to us of a socinian character at least: and these essays, which first appeared in a newspaper, being about to be reprinted in form of a book for a more extensive circulation, and a large subscription being filled for that purpose, it became the duty of the meeting for sufferings, in the regular order of their proceedings, to notice the subject: and they did so notice it by appointing a committee: that committee pursued the usual course in such cases; they prepared a statement of what were the views of Friends on the points I have alluded to: I was of that committee: we concluded it would be best to use the language of approved writers of our society; and we accordingly did so, making use of our own terms no further than was necessary to connect the subjects; making extracts from various approved authors: we produced these extracts to the meeting for sufferings. The meeting united with the report of the committee, and made a minute on the subject. A Friend was desired to call on the editor at Wilmington, who was about to publish the essays above mentioned, who did call on him, and the editor engaged to publish the minute in his newspaper, but objected to publishing anything on the subject in his book. He accordingly did publish the minute in his paper, but declined saying anything on the subject in his book, for reasons which he gave; among others was this, that the subscribers would probably be dissatisfied. The meeting for sufferings, therefore, were under the necessity of publishing these extracts themselves; and they entered it on their minutes, and did print an edition of it. Now then, in the yearly meeting for 1823, when the minutes of the meeting for sufferings were read, and they are always read, these extracts from the writings of ancient Friends were read as part of them—they were on the minutes: considerable objection was made to that part of the proceedings of the meeting for sufferings. One man said he could not unite with those doctrines; another, that they were contrary to reason, Scripture, and revelation; another went into an argument to show that the Scripture text, to wit, 'there are three that bear record in heaven,' was a disputed text; and tried to show that it was spurious: he appeared to me to be but a novice in the subject; he quoted Sir Isaac Newton—I think it was Sir Isaac Newton—he might or might not have mentioned his name; I gathered it from what he said. These kind of occurrences were very unusual in our meetings, they never had occurred within my knowledge. The excitement being considerable, the meeting adjourned until the next morning. When the meeting assembled next morning, it was proposed that the extracts should be stricken off the minutes of the meeting for sufferings: objection was made to that, on the ground that it

would be a disavowal of the doctrines held by Friends, these extracts being taken from the writings of approved Friends. Very considerable difficulty occurred in the meeting from the persevering objections of a number of individuals, every one of whom, every individual of whom, for I sat in a position to see and know them all, have since gone off in the separation. I was at the table as clerk—it was my duty to serve the meeting: perceiving the embarrassment the meeting was in, on the one hand to expunge, and on the other a desire to retain, I arose and stated to the meeting my duty and wish to act as its servant; and after presenting to the meeting the state of the case, as I apprehended it at that time, I proposed to them to avoid both difficulties by simply suspending the publication; not taking it off the minutes, and not circulating the pamphlets, but leaving the subject. This proposition was finally acquiesced in, and the business so settled. I have mentioned in the former part of my examination, my firm belief that doctrines were the grounds of separation: this was one of the things that operated on my mind to induce the belief that there was an unsettlement on the minds of many as far back as that, in regard to the doctrines of Friends. The person who reasoned on the spuriousness of the text, belonged to our own meeting, and well known to me: he was under dealing subsequently, and not many months after. He told the committee appointed by the monthly meeting that visited him, that he was a unitarian—that he did not unite with Friends—that he was a unitarian, and acquiesced in the disownment.”

I have already adverted to the ground of objection to the extracts. They objected to the doctrines contained in them. Not a member of the court will disagree with me in declaring, that they perfectly agree with the writings of ancient Friends. What ground, then, had the revolutionists, for trampling these ancient institutions into the dust?

“Why, it was a creed!” they exclaim. It is a sufficient reply to this to say, that such testimonies were used on former occasions. The chief justice enumerates the instances, and declares there would be no difficulty in gathering from such publications, the doctrines of the society.

The substance of his remarks are, that Friends had never published anything in the form of a creed: but only published declarations of their faith, to defend themselves from the charges made against them, that they were not christians. Well, what is this more? Is the design of these extracts anything more than to show that Friends are christians? A writer under the signature of Amicus, professing himself a Friend, had put forth socinian doctrines, and it was to show that they were not socinians, that they put forth these extracts. To a creed which should impose temporal penalties, the society has always objected: but they never objected to setting forth their religious faith; call it creed, or call it what you will.

There certainly was a call for the publication at this time. The real objection to it on the part of the "Hicksites," was on account of the doctrine it contained. It was an answer to such doctrine as Elias Hicks was preaching from the pulpit. They prevented the publication of the extracts: and yet made this opposition on one side to socinianism, in 1823, the ground on which they undertook to destroy the society in 1827. They were opposed to the publication of the extracts. They made one effort to take them off the minutes of the meeting for sufferings; the conflict finally resulted, as A. Lower says, in an agreement, that the extracts should remain on the minutes, but should not be published. The truth is, that Elias Hicks had so much influence in 1823, as to prevent the publication of the extracts.

Allow me to call your attention to the view the chief justice takes of this subject, on pages 43 and 44. After quoting Abraham Lower's account, from the 1st volume of the Evidence, page 369, and comparing it with the account given by Samuel Bettie, in p. 72, he says:

"How far this explanation may serve to show that the measure was in conformity with ancient custom, and called for by the exigency of the occasion; or how far it was an insidious effort to impose a creed; or how far the fear was well founded that an attempt was made to trammel conscientious rights, or to abridge the right of private judgment, I shall not undertake to decide.

"It is enough to say, that if such a design existed, if such an effort was made, the design was frustrated, the effort was defeated: and the authors of it met with a just but silent rebuke. But the attempt did not impair the solidity of the yearly meeting to which it was proposed. I cannot believe that the proposal, by a committee of congress, of an unconstitutional or oppressive law, would annihilate that body, or abrogate the constitution. The wildest and most visionary theorists would not, I believe, venture on such bold and untenable ground."

Here, and in the following pages, the chief justice considers the extracts on the supposition of their being a creed, and objectionable on that account, and says that, if they were, that would not justify a dissolution of the society.

"This matter of religious faith and doctrine of a creed, has," continues the chief justice, "directly or indirectly filled up a large portion of the volumes of evidence before us, was the subject of many remarks in the arguments of the counsel at the bar of this court, has been the cause of much anxiety and alarm: and misunderstandings in respect to it, have, I doubt not, had great influence in bringing about the lamented rupture in this respectable society. I fear the matter has been greatly misunderstood, if not greatly misrepresented. This society has, and from the nature of things must have, its faith and doctrines, its distinguishing faith and doctrines. They would, unhesitatingly, repudiate the tenets of Confucius, of Bra-

1, or of Mohammed.* They believe 'in Christ, and him crucified.' They bear both public and private testimony of their faith. They have repeatedly declared it, and published it to the world. They have a confession of faith and a catechism. A declaration of faith was issued on behalf of the society, in the year 1693, was approved at the morning meeting of London, and published by the yearly meeting of Philadelphia, in or about 1730. It is, I suppose, the one which is to be found in Sewal's History, (2d vol. p. 472.) It reports to be 'a declaration of what our christian belief and profession has been and is,' and contains an exposition of belief, in respect to Jesus Christ, his suffering, death, and resurrection, and the general resurrection of the dead, and the final judgment. Sewal, (2d vol. p. 483,) gives what he calls 'a confession of faith,' which was by George Whitehead, and others, presented to Parliament, in December, 1693, and begins thus: 'Be it known to all, that we sincerely believe and confess.' The yearly meeting, as early as 1701, by their direction, and at their expense, circulated Barclay's Apology, and his catechism and confession of faith, as containing the doctrines and tenets of the society of Friends. What is a creed but an exhibition of faith and doctrine? Why, then, should the tocsin now be sounded among a people, who, a well informed member tells us, have more frequently than any other religious community exhibited to the world their principles and faith."

I trust this court concurs with the chief justice in the opinion, that at this society would have been justifiable in publishing a statement of its doctrines—that they would have been justifiable in showing that the doctrines Amicus ascribed to them, were not the doctrines of the society: and that the doctrines of the society were such as are to be found in the writings of ancient Friends, as copied to these extracts.

The "Hicksites" objected to it, and were powerful enough to prevent the publication. Such having been the result, it does appear frivolous to me, to bring forward a paper which was disposed of in 1823, as the grounds of a dissolution of the society in 1827.

The next ground of objection to the old yearly meeting, is its mission to perform certain duties, in its collective capacity. It is alleged that reports from different quarterly meetings, as the appeal from the southern quarter on the rejecting of their representatives, the meeting for sufferings, and the application from Bucks quarter, respecting the manner of choosing elders and representatives to constitute the meeting for sufferings, were all laid by, except the case of Leonard Snowden, which was referred to the Philadelphia quarterly meeting. It seems to have been generally understood, that the meeting was not in a qualified state to enter upon the investigation of such subjects: and it appears that it was the intention to take them up at some future period. This is testified to by Samuel Bettle, p. 87, vol. i. Thomas Evans, p. 276, and Halliday Jackson, p. 55. vol. ii. It was according to the practice of the society to defer cases in times

of excitement. Both parties concurred in deferring these cases. Yet this is brought forward as a ground for dissolving the old yearly meeting. It has always been the practice of the society, when undue excitement prevails, to lay the matter over when it can be done. Yet one of the witnesses speaks as if that "destroyed the yearly meeting, or warranted a part to meet and exclude all the rest." The chief justice goes over this subject amply, in his decision, to which I beg to refer the court.

Sirs, if these doctrines are to prevail, such will be the consequences in every society, civil and religious. If when excitements arise, the existence of such excitement is made a legitimate pretext for dissolving the society, a party wishing to dissolve it in order to re-organize it to the exclusion of their opponents, will readily raise an excitement to effect their purpose and destroy the institution.—All your institutions, civil and religious, are subject, occasionally, to differences of opinion and undue excitements; and all of them will be dissolved and re-organized by a party, to the exclusion of the rest, if these doctrines are to prevail. The course the society of Friends took on this occasion, and it did them credit, was that of laying these exciting cases aside for awhile. The tendency of the proceeding was to remove disorder. The policy of deferring these questions, that passion might be allayed, was agreed to by each party: and afterwards made a pretext by one party for destroying the society.

I now come to a cause, which Abraham Lower tells us, was the most prominent cause of the division of the society; and that was a pretended disrespect to Elias Hicks, while attending one of their meetings for discipline, in the year 1819.

He states that Jonathan Evans caused an adjournment of a monthly meeting, while Elias Hicks was in the women's apartment; and intimates that this treatment of a minister of the Gospel, was such as ought to cause a dissolution of the society. It held together for eight or nine years after this shock, but tumbled to pieces at last.

It is related on page 354, of the 1st vol. of testimony:

"Q. Will you relate what you understand to have been the causes of the division in the society, as nearly as you can, according to dates?

"A. The most prominent cause of a public nature, I consider to be, the public opposition or disrespect manifested by the members of Pine street monthly meeting, by the agency and influence of Jonathan Evans, in breaking up the men's meeting, or closing it, whilst Elias Hicks was, with the consent and approbation of that monthly meeting, engaged in the women's department, in the prosecution of his religious concern. It gave much concern, uneasiness, and dissatisfaction to a large part of the society, who became acquainted with the circumstances, as far as my knowledge extends."

On his cross examination, he makes some further disclosures, in same vol. p. 408:

“ Q. You have stated that the most prominent cause of the separation spoken of, was the public disrespect or opposition manifested by the members of the Pine street monthly meeting; by the agency and influence of Jonathan Evans in closing the men’s meeting, whilst Elias Hicks was engaged in the women’s meeting. How did Jonathan Evans exercise that agency and influence, and what was its character ?

“ A. I was not there. What knowledge I have of it, is derived from common report: but one thing I am persuaded of, from my own observation, that in getting up or promoting such measures of odious character, he was generally cunning enough to work by agents; and in this instance, I think I understood that Benjamin Kite, member of another monthly meeting, was there, and acted in that sense, whom I should have supposed, and do suppose, would not have dared to have acted contrary to what would have been agreeable to Jonathan Evans, and the party generally, or that portion of them in that meeting, who, with the activity of his sons, were enabled against a larger number than was arrayed on their side, to carry their measures; having the clerk with them, and under their control, as they were mostly provided with *that* advantage, and which was a great engine of oppression.

“ Q. Do I understand you to say, that Benjamin Kite was the person who closed the monthly meeting upon that occasion ?

“ A. I did not mean to say so, and I think I did not.

“ Q. Had not the monthly meeting finished its business, before it was so closed ?

“ A. I say again, I was not there. I think it probable that they had closed their business, and notwithstanding it was deemed exceedingly indecorous and disrespectful to the individual, to be thus treated.”

In page 410, he tells us, that under the discipline of the society, there is no obligation on a meeting to continue its sittings because a minister is in the women’s apartment; that it may adjourn when it pleases, and that the yearly meeting has frequently adjourned, while ministers have been visiting the women’s meeting.

Now as this is stated as the first of these causes of division, which ultimately led to the dissolution of the society, I refer for another account of it to Thomas Evans’ testimony, p. 376, vol. ii.

“ After the men’s meeting had sat a long time, Elias Hicks made a proposal to visit the women’s meeting, and obtained consent to do so.

“ Soon after he went into the women’s apartment, the men’s meeting came to a decision, *without a dissenting voice*, that it had proceeded as far in the transaction of its business, as it would be proper to go at that sitting. The business was accordingly suspended, and the meeting sat a considerable time in silence, waiting for the return of Elias Hicks. Isaac W. Morris then observed, that as the meeting

had finished its business for the day, he thought it unnecessary that so many Friends should be detained, merely to wait for the return of Elias Hicks into the men's meeting, and proposed that 'the meeting should close.' Many Friends expressed their approbation of this when John Hunt, of Darby, said that he thought it might be considered to be intended as a *slight* on Elias Hicks, if the meeting should adjourn; to which it was replied, that no such inference could justly be drawn, inasmuch as the men's yearly meeting had several times adjourned, while ministers from it were engaged in a visit to the women's apartment. Three or four of the members of Pine street meeting, at first seemed to coincide with John Hunt's views; but after this explanation, no further objection was made, and the meeting did accordingly close."

Here it appears that the subject of the adjournment was duly considered, and the objection on account of the situation of Elias Hicks in the women's apartment was also taken into consideration; and that the adjournment was made after it had been mentioned that superior meetings had adjourned several times, while ministers were engaged in the women's apartment. All were then perfectly satisfied that the adjournment would not be a slight on Elias Hicks; and yet this petty and frivolous account is given as the prime cause of the division in the society which eventuated in its crumbling to pieces.

In page 410, vol. 1, Abraham Lower admits that adjournment under such circumstances had taken place in the yearly meeting. Other witnesses say they had frequently occurred; and yet a trifling circumstance like this is brought up as one of the causes, in this effort to hunt up some cause, in order to conceal the real grounds of a division, which, they say, resulted in a dissolution of the society.

The next reason assigned is, that the southern quarter undertook to change its representatives in the meeting for sufferings, and was opposed in this proceeding.

Here we find Elias Hicks intervening again. The reason why the representatives were to be changed, was, that some of them were opposed to Elias Hicks. If they can only introduce that man among them, and he is permitted to preach what doctrines he may please to advance, and the elders make no opposition to him, and issue no publications stating the true doctrines of the society, they are satisfied, and all goes on smoothly enough; but the moment an attempt is made to prevent his promulgating of unsound doctrine the moment any individuals are discovered not to unite with Elias Hicks, whether they are elders or not, they must be removed on account of their opposition to Elias Hicks! But had they power to remove them? Under the circumstances which then existed, it was, at least, doubtful.

I would call the attention of the court to what is said on pages 44 and 55 of the Discipline.

"In order that this yearly meeting with its several branches, might be properly represented in the intervals thereof, on emergent occasions, a meeting was instituted anno 1756, by the name of the Meeting for Sufferings; which it was agreed should consist of twelve Friends, appointed by the yearly meeting (living in or near Philadelphia, for the convenience of getting soon together,) and also of four Friends chosen out of each of the quarterly meetings; who were directed to meet together in Philadelphia forthwith, for the regulation of its future meetings, which are subject to the following rules:

"Fourth. In case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their declining or neglecting their attendance for the space of twelve months, the meeting for sufferings (if it be thought expedient) may choose others in his or their stead, to serve to the time of the next yearly meeting, or till the places of those who have represented the quarterly meetings shall be supplied by new appointments."

Here the discipline prescribes the manner in which members of the meeting for sufferings may be removed in two cases. In cases of their declining, or neglecting to attend, the meeting for sufferings may supply their places *pro tempore*. Had the quarterly meeting right to remove these representatives at pleasure, and substitute others. If it had the power, it does not appear to have been given to it by the discipline.

As it appears to have been a case not provided for in the discipline, the meeting for sufferings wished for time to consider if the southern quarterly meeting had this power. On this subject I refer to Exhibit, No. 47, on page 477, of Depositions, vol. 2.

"At a meeting for sufferings, held in Philadelphia the 15th of twelfth month, 1826, present forty-two members—

"The southern quarterly meeting having taken into consideration an entire revision of their representation in this meeting, and in eighth-month last, made an almost total change therein; as the subject was quite unprecedented, and it appearing that such a measure was not contemplated by the discipline, the whole matter was committed to a number of Friends at our last meeting, who, after deliberate consideration, produced the following report, viz.:

"The committee appointed to consider the minute received from the southern quarterly meeting report, that upon consideration, difficulties to the accepting the said minute had occurred; and it was unitedly agreed to suggest, for the consideration of the meeting for sufferings, whether it would not be expedient, and tend to the harmonious resulting of the subject, to appoint a committee to confer with the quarterly meeting, or a committee thereof, if such should be appointed."

"In accordance with this, the following Friends are appointed, viz: John Cox, Samuel Bettle, Thomas Wistar, William Newbold, John Tatum.

“ At a meeting for sufferings, held in Philadelphia, the 19th of first-month, 1827, present thirty-one members—

“ John Cooke and Philip Price are added to the committee appointed at our last meeting, to attend the southern quarterly meeting

“ At a meeting for sufferings, held in Philadelphia, on the 16th of third-month, 1827, present forty-five members—

“ The committee appointed to attend the southern quarterly meeting, presented the following report, viz. :

“ To the Meeting for Sufferings.

“ The committee appointed to confer with the southern quarterly meeting, respecting the difficulties the meeting for sufferings have experienced, in consequence of their minute of eighth-month last, report,—That, believing a personal conference would afford the best opportunity of entering into a full examination and mutual understanding of the subject, three of our number proceeded to Little Creek, and attended that quarterly meeting with the minute of our appointment. The committee assured the quarterly meeting, that the meeting for sufferings did not assume the privilege of interfering with the appointment of representatives—the right of the quarterly meeting to select such Friends as they might deem suitable for the service, and also to fill all vacancies that might from time to time occur, was not questioned. The meeting for sufferings never had attempted to interfere on this subject : the difficulty that presented on the present occasion, arose from a belief that no vacancy had occurred. The discipline establishing the meeting for sufferings, directs that twelve Friends shall be appointed by the yearly meeting and four out of each of the quarters ; the only cases which constitute a vacancy, and which call for re-appointment, are death, resignation, or neglect of attendance ; and the uniform practice of the society, for seventy years, has been in accordance with the discipline, which could only be altered by the yearly meeting ; for we apprehend it must appear manifest, that some fixed general rule was indispensable, or otherwise each of the quarterly meetings might change the discipline or practice, as from time to time circumstance might induce them to think a change desirable : hence, great variety and even contrary and opposing practice, might exist in the different quarters ; and hence perplexity and uncertainty in the meeting for sufferings. That no change in the rule of society on the subject could be made but by the yearly meeting, seems to be the general sense of Friends, and two years ago, a proposal to consider the expediency of *all* appointments being for a limited time, was regularly brought up by one of the quarters, and on consideration, the yearly meeting decided, that way did not open to make the proposed change. The meeting for sufferings, therefore, adverting to the present discipline, the uniform practice of society, and the recent decision of the

early meeting on this very point, felt great difficulty in accepting minute which appears to be in contravention of all past proceedings and rule; but desirous of avoiding any collision with a quarterly meeting, they were informed that we were appointed, if they should think proper to separate a committee for the purpose, to enter into full consideration of the whole subject, with a hope that such a conference might result in some conclusion which would be to mutual satisfaction. The quarterly meeting, however, declined appointing a committee, or in any way explaining their views of the subject.

[Signed.]

JOHN COX,
PHILIP PRICE,
THOMAS WISTAR,

JOHN TATUM,
WILLIAM NEWBOLD,
JOHN COOKE,
SAMUEL BETTLE.

Third-month, 15th, 1827."

Here then is a practice, which, according to the report of the committee, had existed for upwards of seventy years, of appointing new members only when vacancies occurred. How such a practice, so long continued, could be suddenly set aside, I am at a loss to conceive; especially when it appears that, only two years before, an effort was made to limit the term of these officers, and that the effort was not concurred in.

Court adjourned.

Tuesday morning, 9 o'clock.

MR. WOOD resumed:

I was addressing the court last evening on the subject of the change of representatives in the meeting for sufferings, made by the southern quarter; and I think I succeeded in showing that it was made by the "Hicksite" party in that quarter, in consequence of their objecting to the doctrines of Elias Hicks. I read a passage from page 55, of the Discipline, setting forth what were the circumstances under which removals were warranted; and I showed that the provisions of that discipline were altogether incompatible with the idea of the representatives being removable at pleasure. It cannot surely be seriously pretended that those persons who are appointed by the quarterly meeting, may be removed at pleasure. The power of appointment does not imply a power of removal, especially where a mode of removal is distinctly provided for. The Senate appoint the judges of the supreme court of the United States, but that appointment is not at all connected with any power of dismissal, and when, in this case, the discipline points out the only causes on account of which a removal from office is contemplated and sanctioned, it is not in the power of any of the members to add or to substitute

others. The only evidence to this point is that of Halliday Jackson, 2d vol. p. 48:

“In case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their declining, or neglecting their attendance for the space of twelve months, the meeting for sufferings, if it be thought expedient, may choose others in his or their stead, to serve till the time of the next yearly meeting, or till the places of those who have represented the quarterly meeting shall be supplied by new appointments.”

The only object of introducing this passage from the records of 1761, is, I presume, to show that there was a power to effect such changes at pleasure. On this subject I would call the attention of the court to a passage in the deposition of Thomas Evans, 2d vol. p. 395:

“From the establishment of the meeting for sufferings, in 1756, up to the year 1768, minutes were made every year, continuing the meeting for sufferings; but in that year it was created a permanent body, under the constitution formerly adopted. In the year 1806 the same power, to wit: the yearly meeting which at first created the meeting for sufferings continued it from year to year, and in 1768, constituted it a permanent body, and which had the sole power of making or altering discipline, amended the constitution under which it acted, and adopted for its government that which is contained in the book of discipline printed in 1806, page 54 to 57, inclusive. The fourth section of which is, ‘In case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their declining or neglecting their attendance for the space of twelve months, the meeting for sufferings, if it be thought expedient, may choose others in his or their stead, to serve till the time of the next yearly meeting, or till the places of those who have represented the quarterly meeting shall be supplied by new appointments.’ From which, as well as from the established usage of the society, it is apparent that the only change contemplated, is in case of the decease of any of the members, or their declining or neglecting their attendance. The new constitution, necessarily, supersedes and abrogates the old one.”

A number of passages have been cited on the other side to show that there is a power, to change the representatives from year to year. The answer to this proposition we find in page 55 of the Discipline:

“In case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their declining or neglecting their attendance for the space of twelve months, the meeting for sufferings (if it be thought expedient) may choose others in his or their stead, to serve to the time of the next yearly meeting, or till the places of those who have represented the quarterly meeting shall be supplied by new appointments.”

This provision points out and prescribes the grounds on which

they are to be changed. Here was an effort made in this ter to have the representatives changed, but without any of the instances mentioned in the discipline as necessary to that pur-

A committee was appointed to investigate the matter, and gave their opinion against it, and the only reason assigned for being was, that the circumstances on which the change was sought not such as were set forth in the discipline. A short time before this, application had been made for an alteration in the discipline, in order that this power might be given ; but the yearly meeting refused to make any alteration. The court will find this extract, which comes professedly from the other side, in vol. ii. p. 486 :

At Bucks quarterly meeting, held at Wrightstown, the 22d of 1st month, 1827.

Buckingham monthly meeting in their report add, that they had agreed to forward to the quarterly meeting a proposition to take into consideration that part of our discipline relative to the meeting for sufferings, and if it may be thought right to continue said meeting, the appointment of its members may be exclusively confined to quarterly meetings, and subject to their removal. And also to bring into consideration that part of our discipline relative to the appointment of elders, in order, if way should open, that monthly meetings shall have authority to remove them whenever it may appear that their service in that station has ceased to promote the best interests of society. And after a time of deliberation thereon, and the expression of the sentiments of many Friends, it is concluded to refer the subject to the yearly meeting for its consideration and decision.

“ Extracted from the minutes.

“ JOHN WATSON, *Clerk.*”

Then follows Exhibit Q.

Abington quarterly meeting held the 8th of second month, 1827. Abington [monthly meeting] in their report further add, that Friends expressing a belief that a benefit would be derived to the society by reconsidering that part of our discipline, relative to the appointment of elders and members of the meeting for sufferings, such appointments be made for a limited time ; which claiming the attention of this meeting, and some time being spent thereon, it was agreed to forward the same to the yearly meeting for its deliberation and decision.

“ Extracted from the minutes of the aforesaid meeting.

“ ASA WALMSLEY, *Clerk.*”

You will find two propositions made. First, that the representatives shall be subject to removal by the quarterly meeting ; and, secondly, that they shall be appointed only for a limited period.

It was unquestionably the opinion of these applicants, that the true construction of that instrument was, that they had not the power of removal, according to the tenor of it, as it then existed; and when we find that prior to the establishment of the present discipline, which took place in 1806, the power of removal had never been exercised except as therein contemplated, we have a right to infer that the view which the quarterly meeting then took was the correct one. But for the purpose of keeping Elias Hicks and his doctrines behind the curtain they took the contrary grounds, and endeavoured to remove all the elders who stood in their way. And herein we see that he and his doctrines are the cause of all the difficulties which have arisen, and that every elder or minister who is opposed to those doctrines must be removed in order to make room for those who will avow and advocate them.

I submit to the court that there is nothing to warrant the idea that this transaction laid a foundation for the dissolution of the yearly meeting.

The next ground to which I shall advert, is the interference of the elders of Philadelphia in seeking an opportunity to converse with Elias Hicks, respecting his unsound doctrines. A foreign minister has a certificate given him from his own monthly meeting, clothing him with certain powers to preach, visit families, and perform other services connected with the religious duties of the society. Before Elias Hicks came to Philadelphia, he had been preaching his unsound doctrines in certain portions of the southern quarter; and in consequence of this, two persons, Comfort and Bell, sought an interview, for the purpose of conversing with him. This interview Elias Hicks evaded. The elders of Philadelphia considering it to be their duty to talk with him on this subject, likewise sought an interview, which he also declined; saying, "that if there was any complaint against him, they had nothing to do with it; for that it rested between himself and his own monthly meeting, who gave him the certificate." It is in evidence that the monthly meeting to which he alluded was in full unity with Elias Hicks, and with the doctrines which he maintained; there was, indeed, no chance, if this doctrine of his be correct, of arresting him, whatever doctrines he might preach. In the words of Barclay, "if he had preached the doctrines of devils."

And this is one of the grounds on which the elders of Philadelphia are to be considered arbitrary and domineering.

At last, however, Elias Hicks was induced to give them this interview: but it was his intention that it should take place before persons who had no right to be present on such an occasion; it not being considered proper that conversations of this character should be held before unauthorized persons. Thus, therefore, the prospect of an interview was brought to an end. Now the charge which the opposite party make is, that the elders have so broken the discipline as to make

it a cause to rend this society asunder. I submit to the court, that the elders had not only a right to interfere, but that they were bound to do so. On the other side a passage has been read from the Discipline, page 62 : " And our advice to all our ministers is, that they be frequent in reading the Scriptures of the old and new testaments ; and if any in the course of their ministry, shall misapply, or draw unsound inferences or wrong conclusions from the text, or shall misbehave themselves in point of conduct or conversation, let them be admonished in love and tenderness by the elders or overseers where they live, and if they prove refractory and refuse to acknowledge their faults, let them be further dealt with, in the wisdom of truth, as the case may require."

Is it not manifest, that this provision relates to cases within the immediate precincts of their own yearly meeting? But will it be pretended that where a travelling minister, coming from the precincts of a foreign yearly meeting, entirely another branch of the society, and preaching unsound doctrines, will it be said that the elders of the church have no right to seek an interview, and reason with him on the subject? Common sense cannot put such a construction on the provision. And there is a passage to the purpose on p. 68 of the Discipline :

" We tenderly recommend faithful Friends, and especially ministers and elders, to watch over the flock of Christ in their respective places and stations, always approving themselves by their pious examples in conversation and conduct, to be such as faithfully and diligently walk up to the testimony of the blessed truth whereunto the Lord hath gathered us in this his gospel day."

Here is a general power given to watch over the flock of Christ in their several places and stations ; and if a travelling minister undertakes to preach unsound doctrines, the elders are the proper persons to interfere. I will call the attention of your honours to the testimony of Halliday Jackson, their own witness, on this very point, and you will see what view he takes when they touch his own leader, Elias Hicks. It is in Ev. vol. ii. p. 86.

If you will turn to page 85, you will find who this Ann Jones is. She was a minister from England, with regular certificates of unity from her own meeting, travelling within the limits of the quarter in which Mr. Jackson resides. The elders got together at the suggestion of Mr. Jackson, and sought an interview with her ; she, in the mean time, had gone to Philadelphia, and they sent a letter to her. Let us see if this proceeding was not precisely the same as that now complained of. The letter is signed by Halliday Jackson and others. I will read a few passages from it, because they will serve to illustrate what I say. Ev. vol. ii. p. 460.

" It is far from our desire to do anything that would add to thy trials, or in the least hurt thy religious services amongst us, but feel-

ing as we apprehend, in some measure, responsible and a weight of exercise to rest upon us, we think it our duty in this way to take some notice of thy communication among men Friends in the late quarterly meeting held at Darby; and had thou remained in the place, thou would probably have had a visit from some of us that evening.

“In consequence of the uneasiness excited by some of thy expressions in this public manner, the elders belonging to the quarter were requested to meet that evening: accordingly, those who could conveniently stay, met to the number of about fourteen, the greater part of whom expressed considerable uneasiness with a part of thy communication; and it was recommended for those who felt the way open, to communicate with thee on the subject.

“Our discipline, in this country, points out an order to be observed, which ought to be imperative, especially on those who are travelling in truth’s service: although thou mentioned no names, we think thou made some personal allusion, by referring to something thou had heard in that house, perhaps the day previous. If any thing then had been delivered that gave thee such uneasiness, it would have been more consistent with gospel order, to have sought a private opportunity with the individuals, than to have brought such a railing accusation against them in a large assembly.”

They were like themselves, all subject to the elders whenever they gave cause of uneasiness. This is the passage to which I wish particularly to call your attention. Now he tells us what it was Elias Hicks preached on this occasion. Here they justified what was said, and undertake to state that what he held forth, was perfectly consistent with the primitive faith.

“But we were all present at the meeting of ministers and elders the day previous, and heard what was delivered, and are fully satisfied in our own minds that thy charges were not correct. The character and mission of the Messiah was exalted, and held up to view as our true pattern, instead of being brought down to the level of a mere man; the sacrifice of our sinful affections on the cross clearly set forth as the only means of reconciliation with God; and the life of Christ in the soul of man, as the alone atoning blood that can effectually wash away our sins. And as George Fox testifies, ‘there are none know Christ nor his sufferings but by the spirit of God within,’ so we believe propitiation to be an experimental work in the soul of man, and fully consistent with a right understanding of the Scriptures, and the doctrines taught by our early Friends generally.”

But he denied that passage by which remission of sins is effected. Here then we have shown that they are in full unity with Elias Hicks in his doctrines, through Halliday Jackson; and we have a letter under Halliday Jackson’s own name, acknowledging the right

of interference with foreign ministers under such circumstances, without sending them back to England to be tried there. How then can it be contended that we have no right to seek an interview; or now is this to be considered an act so arbitrary as to break up those venerable institutions which have stood the test of ages.

Here let us pause, and look back on the ground over which we have trodden. An effort has been made by the counsel and witnesses, to keep out of view the conduct and doctrines of Elias Hicks. We are told they had nothing to do with this concern; and yet in every transaction anterior to the yearly meeting of 1827, we find that he was a prominent personage: that every difficulty grew out of his unsound doctrines: that the slightest opposition to their leader set them all in arms, and if Elias Hicks were permitted to preach as he pleased and what he pleased, all would be well: otherwise, they were ready to resort to any extremities. Elias Hicks figures in every proceeding. The most prominent step is first, the great disrespect shown him by adjourning while he was in the female department, though the same thing had often been done before with other ministers, under the like circumstances. The next step was, the preparation of the extracts from the writings of the ancient Friends. The next effort made, was to remove all the representatives in the meeting for sufferings from the southern quarter, who were opposed to the doctrines of Elias Hicks; and the last step is the interview which the elders endeavoured to have with Elias Hicks on the subject of his unsound doctrines. Is there any foundation here for the charge of arbitrary conduct which has been made against them? Is there any ground for the taunt which has been thrown out against them, as rich men, dealing in custom house bonds, and that therefore they were to be prostrated? Can you see any thing on the other side but efforts to prevent the interview with Elias Hicks, and to prevent the publication of the ancient doctrines of the society, lest they should come athwart the doctrines of Elias Hicks?

These are their efforts; and these are the men by whom my clients have been branded with every calumny, and stigmatized with every injurious appellation, and only for clinging to the religious institutions of their fathers. They have clung to them, and they will cling to them even to the last; and if they must fall, they will fall in the performance of that duty, which they owe to those beloved institutions under which they have been educated, to the memory of their pious founders, and to their God. It is manifest that the aim of all the efforts which have been made on the other side, has been to advance the doctrines of Elias Hicks, to put down all opposition to them, and to accomplish a separation. And when that separation should be effected, who were to take the property? It was not intended that we should take it; for they first seize all the property they can lay hands upon, and only at last set up their doctrine of partnership fund, in order that they might make claim to a part, when they saw there was no possible chance for them, in law or equity, to

retain the whole. In 1827 they believed they were ripe for the consummation of all their schemes. Prior to the sitting of the yearly meeting in that year, this separation had been thought of, devised, and contemplated, by that branch of the society. We find John Comly their prominent man, and who was held forth as their anticipated clerk of the yearly meeting, travelling from place to place through the country, and instilling the idea among the members that the period for separation had arrived. I here refer to the testimony of Samuel Bettle, *Ev. vol. i. p. 68*, for proof of this; and Halliday Jackson, in *vol. ii. p. 108*, is forced to admit it.

Here we have the means by which peace is to be restored. A separation was to be effected by the removal of the elders, and by substituting others, where they thought they had gained an influence which would enable them to carry their point. But who were to take the seats of their predecessors?—Themselves—they, the friends and followers of Hicks were to occupy the places and fill the offices of those who were to be ejected for their opposition to him. It is clear that such was their purpose. Hence they got up the idea of the majority principle; and they not only send John Comly round to spread abroad that the hour of separation was come, but we also find them doubling their representatives in those quarters where the party favourable to a division, had the preponderance in numbers. I refer the court to the testimony of Samuel Bettle, *vol. i. p. 67*.

Now if they were going to introduce the new majority principle, why take this course? It shows the object they had in view. By adopting such a plan they could easily carry their point; they had only to double their representatives in all those quarters where it was practicable for them to do so, and they must secure the majority. There was at once an end of all difficulty. In *vol. ii. p. 113*, Halliday Jackson says, in answer to the question: “Am I to understand, then, that the redress you sought was to release from service the elders and members of the meeting for sufferings designated, and fill their places with those of your own party, and that in the event of your failure, you had determined to separate?”

“A. There was no determination I believe of this kind come to, until all hopes of redress in any other way had seemed to be given up. Those circumstances that I have mentioned of grievances, and the many other combining causes that operated, eventually tended to produce this result. And I don’t know within my knowledge any individual that was desirous of removing any of those officers in the church, in order that he might fill the station himself. As to the numbers of the meeting for sufferings, I apprehend there was a majority of that meeting who were considered on the Orthodox side. As to elders, from the best account that I can ascertain from the various meetings at the time the separation took place, there is a majority on the side of Friends, of those that were then in that station.”

The great effort was to introduce the new infidel doctrines of Elias Hicks, and those persons favourable to him. The meeting for suffering is to be broken down; the elders are to be removed, and their places supplied with the advocates of the new doctrines; every barrier is to be trampled upon; every effort made to stem the current of contrary opinion; we are to be calumniated, to be charged with minceering, with being rich men, and in every respect we are to be furiously and despitely treated. Every attempt is made to enslave the young, the inexperienced, and the thoughtless; their prejudices are to be excited, and their vanity flattered, and we are then to be told that all these individuals stand on the same pinnacle, and are entitled to the same weight and consideration in religious society, as the humble, pious, aged, and reverend members, who have spent their lives in the service of the church.

I now call your attention to the proceedings in the yearly meeting, to change the clerk, after the opposite party had increased their representatives, and were endeavouring to bring the majority principle to bear. The yearly meeting is organized by the clerk of the preceding year, and after the first, or morning sitting, the representatives retire, not as the yearly meeting, but as a sort of committee to nominate a clerk for the ensuing year. They met, and the representatives were assembled for the appointment of a clerk. We have an account of this transaction in the testimony of John Paul, vol. ii. p. 338:

"At the rise of the first sitting of the yearly meeting, the representatives were directed to remain together to agree upon, and propose to the yearly meeting a Friend to serve it as clerk, and one to assist him. They accordingly, after the rise of that meeting, drew together, and before they were settled John Comly's name was offered as a nomination for clerk. Samuel Bettle was also named. It was stated that it was usual for the representatives, previous to considering any new nomination, to consider whether they were prepared to release the clerk that had acted the preceding year. Several Friends expressed, as their judgment, that the time for releasing Samuel Bettle had not yet arrived, and they united in his continuance. The friends of John Comly insisted, that as he was first named, the consideration of his appointment ought first to take place. A number of friends expressed their sentiments in favour of one or the other of the names proposed; and in support of the nomination of Samuel Bettle, it was stated that no objections had been made to his services as clerk. His opponents were also reminded, that at the close of the yearly meeting the preceding year, several of them had expressed their satisfaction with his services. It was also stated, that it had been reported, and believed to be a fact, that John Comly had held a number of meetings a short time previously, for the purpose of making a division in the religious society of Friends, and was, therefore, very unsuitable to be appointed as clerk to the yearly meeting. A number of representatives again expressed their sentiments, some

in favour of the one, and some in favour of the other of the persons whose names were proposed as clerk. The friends of John Comly claimed to have the majority, and therefore he ought to be appointed, as they alleged: it was stated that the majority ought not to govern; that it never had been the practice of the society to go by majorities; and in the present case, there would be injustice in it: because it was represented, that Abington quarterly meeting, and Bucks quarterly meeting, had each of them doubled their representatives, and that the southern quarterly meeting had added one half more to the number of their representatives than they had usually appointed. They, however, urged that the question should be settled by a vote; by the majority: and Abraham Lower called upon John Watson to go to the clerk's table, and take down the names of all those who were in favour of John Comly. He was urged to this by some other individuals; but a number of elderly respectable Friends objected to any question among the representatives to the yearly meeting being settled in that way; stating, that it was a novel procedure, and what had not been countenanced by the society. John Watson, finding that there was so great opposition to the proposal, excused himself on that account, and declined to go to the table. Abraham Lower, still bent upon his purpose, proposed, that those that were in favour of John Comly should go over to the eastern side of the house; he rose and took a few steps in that direction himself, and a few others rose also: but the measure was again opposed, and protested against, by a considerable number of Friends: and that effort failed also; that effort to take the sense by a majority. One individual, I recollect, after protesting against that method, as being contrary to the usage of society, stated, that it could not be conceded to the quarterly meetings of Abington and Bucks, and the southern quarter, (who had increased their representatives, as was stated,) to effect their own views by thus taking the other quarterly meetings by surprise; and the representatives were competent, if that mode was insisted upon, and ought to determine who had a right, and who had not a right to vote, or to be heard on the occasion; I don't know that I have the precise words, but such was the substance; that it could not be expected that all the representatives, so increased by the Abington, Bucks, and southern quarters, had a voice equal with the representatives of those quarterly meetings, where but a small number of representatives were appointed. These remarks caused considerable excitement in several of those who favoured the appointment of John Comly. Cephas Ross, I recollect, made a pretty long harangue on the occasion, in which he, as I thought, very irreverently declared, that 'he had received his commission from God Almighty, and would give it up to no man.' I think he made use of those words twice, in the course of his communication. The representatives finding they were not likely to agree on either of the names that was proposed or nominated for clerk, it was proposed that John Cox should report to the yearly meeting, 'that way did not open in the minds of the representatives

to release Samuel Bettie.' This was objected to by a considerable number of the friends of John Comly; and it was suggested to alter the phraseology, so as that John Cox should report, 'that the representatives could not agree upon any name to offer to the meeting as clerk.' This proposition seemed to be approbated by a considerable number of the friends of John Comly, which seemed to alarm Abraham Lower, and he arose and cautioned his friends to 'take care what they were about; if there was no name reported to the yearly meeting for clerk, Samuel Bettie would be the clerk.' The subject continued under discussion for a short time, and it appeared to gain more advocates. Abraham again rose, and expressed himself, I think, nearly in these words, or entirely so, as near as I can recollect: 'My friends, I want you to understand what you are going to do: if there is no name reported to the yearly meeting for clerk, Samuel Bettie will be the clerk, as a matter of course.' The proposition, however, seemed to be united with more fully than anything else that had come before the representatives, and it was concluded that John Cox should make the report as before stated; and the representatives were about to disperse, when Abraham Lower again told his friends, that if there was no name reported to the yearly meeting, Samuel Bettie would be appointed the clerk: and called upon all those who were favourable to the appointment of John Comly, to come up to the clerk's table, and sign a report to that effect. He went up to the clerk's table, in the upper gallery, I think, and a few others went up with him, perhaps eight or ten individuals, and the representatives dispersed: the time to which the next sitting of the yearly meeting stood adjourned having nearly or quite arrived, the representatives opened the doors to withdraw, and the meeting assembled, while those I have mentioned, were in the gallery, I think; I then went out of the house as Friends were coming in."

And you have a further account of the transaction, corresponding with the last, in the testimony of William Evans, same volume, p. 332.

The next step is a report made by John Cox to the yearly meeting: stating that the representatives could not agree on any names to propose to the meeting as clerk, or assistant. An account of this may also be found in the testimony of Thomas Evans, vol. i. p. 265:

"The yearly meeting was held at the regular time, and opened in the usual manner. Samuel Bettie was at the table as clerk, and John Comly as his assistant. In calling over the representatives from the different quarterly meetings, I observed that the number from Abington, Bucks, and the southern quarter was much larger than usual. The quarterly meeting of Abington had, I think, twenty-eight representatives, Bucks twenty-four, which is twice the number they had usually appointed, and the southern quarter, which was by far the smallest in the yearly meeting, and smaller than many of the monthly meetings, had increased its representation from ten to fifteen. In each of those

quarterly meetings the clerks were favourable to the views of the separatists. Burlington, which is a large quarterly meeting, had nine representatives; and Haddonfield, which is also large, had ten. At the close of the morning sitting, as is customary, the representatives were desired to stay together, to consider of and propose to the meeting the names of suitable Friends for clerk and assistant. The meeting then adjourned until afternoon. At the opening of the sitting in the afternoon, John Cox stated to the meeting that he was desired on behalf of the representatives, to report that they could not agree on any names to propose to the meeting as clerk or assistant. On receiving this information, William Jackson rose and stated, that he had attended that yearly meeting ever since the year 1767, and as it had always been the practice for the old clerks to serve until new ones were appointed, he would propose that the present clerks should be continued for that year. Many Friends expressed their approbation of this proposition, and others dissented—those opposed to the continuance of the clerk, proposed that they should act for the afternoon, and then the subject be returned to the representatives, with instructions that a majority of them should decide the question. This proposition was made by an individual who had urged the increase in the number of the representatives from his own quarter. It was objected, that to decide any question in the religious meetings of our society by a vote, or on the principle of the majority, was a direct departure from our established usages and principles; that moreover, it would be a very unfair mode of deciding the question, inasmuch as the representation from some of the quarterly meetings had been so greatly increased, while that of the others remained the same: that part of the proposal was therefore abandoned, being supported by very few individuals, and it was urged that it should be simply referred to the representatives; but several of the representatives gave it as their opinion, that there would be no advantage in so referring it, as there was not the smallest probability that they could agree. The first person who expressed this opinion was one of those who have since separated, and he added, that although he should have been in favour of a change in the clerk if it could have been satisfactorily accomplished, yet, as that was not likely to be the case, he thought the meeting had better proceed with its business. Several others of the same party expressed similar sentiments; meanwhile, a considerable number of Friends also expressed their approbation of the continuance of the present clerks; and a minute, simply requesting them to act for the year, was accordingly made and read. On the reading of the minute, some of those who have since separated still continued to object; when one of their number remarked, that he believed it was the best thing the meeting could do under all the circumstances, and advised them to submit to it, as he did not think it would make so much difference to them, as some of them might imagine. Similar sentiments were expressed by one or two others of that party; and all objection to the appointment having ceased, John Comly was

requested to come to the table. He did not immediately do so, nor until several of his friends expressed, that they thought the business of the meeting had better go forward. He rose and stated, that in condescension to the views of his friends, he should go to the table; but he thought the meeting had better not enter on any farther business at present. The meeting, however, did not adjourn immediately, but proceeded in some business, and then adjourned until the following morning. On Third-day morning, immediately after the opening minute was read, John Comly rose and stated, that he had mentioned at the previous sitting, that he should go to the table, in condescension to the views of his friends, and that it was in that feeling he was now there; that the meeting was divided into two distinct and separate parties, and that under present circumstances, those parties were irreconcilable; that each of those parties were striving for the mastery, and that if either of them gained the ascendancy, it must be to the oppression and grievance of the other. He therefore proposed that the meeting should suspend all further business, and adjourn; but he named neither time nor place: but if the meeting was resolved to proceed in its business, at all hazards, he could not, conscientiously, act as the organ of a meeting made up of such conflicting parties, and must therefore request to be permitted to retire. On the conclusion of this address, his party became so much excited, and introduced so many different subjects, that it was for some time difficult to ascertain what they wished, and as in the abundance of their speaking, his proposal seemed to be overlooked, he again rose and called their attention to it, on which they immediately began to speak of it, as a proposition for ‘dissolving the yearly meeting,’ those terms being several times used. It, however, was but feebly supported; and as John Comly had said that he could not conscientiously act for the meeting, and requested to be permitted to retire, Friends thought his request reasonable, and proposed that he should do so accordingly; but when his party found that the attempt to disorganize the yearly meeting failed, they strongly objected to his leaving the table, urged his continuance, and that the meeting should now proceed with its business. John Comly then rose and stated, that as he found the meeting was not prepared to adjourn, he was now willing, after the usual expression of approbation, to determine the sense of the meeting, on his remaining at the table, so to continue, and to proceed with the business. He accordingly did so. During all the remaining sittings of the yearly meeting, he and his party continued their attendance, took part in its deliberations, assented to, or dissented from, its conclusions, as opinion led them; and addressed it as the yearly meeting of Friends of Philadelphia. All the business usually transacted at a yearly meeting was gone through with, and several acts consummated, which no other body than the yearly meeting of Philadelphia was competent to perform. Of this character was the direction issued to the subordinate meetings, to raise their respective proportions of the sum of three thousand dollars, which the

yearly meeting had agreed to present to the yearly meeting of North Carolina, to assist them in removing out of that state a number of coloured persons under their care. This measure was approved and advocated by those who have since seceded; all the quarterly meetings raised their proportions, and paid them to the treasurer of the yearly meeting, of which fact he made report to the yearly meeting at its session, in 1828. As it was probable that Friends of North Carolina might want the money before it could be conveniently raised and paid in by the quarterly meetings, it was proposed that the meeting for sufferings should be authorized to borrow the money on the faith of the yearly meeting; this proposal was supported by several of the leading individuals, who have since separated; and being approved by the meeting, was agreed to. The several standing committees of the yearly meeting made written reports to it as usual. Four persons who have since separated, (of whom John Comly was one,) who were members of one of those committees, tendered their resignation to the meeting, thereby recognizing it as the body from whom they had received the appointment, and under whose authority they had acted: their resignations were accordingly accepted and minuted. John Comly also stated, that he had for several years served that yearly meeting as one of its representatives in the meeting for sufferings, but that circumstanced as he then was, he thought it would be right that he should be released from that station; the meeting accordingly released him. On Seventh-day morning, a proposition was brought in from the women's yearly meeting for the appointment of a committee to visit the subordinate meetings, for their strength and assistance. This proposal was opposed by those who have since separated; and as the meeting had advanced so far in its business, as to be likely to close at that sitting, some Friends seemed to be doubtful whether it would be expedient to go into the business at that time. While the subject was under discussion, the meeting was informed by a person present, that he had on the preceding evening attended a meeting of a number of individuals, at Green street meeting house; that an epistle which had been previously prepared, was then and there read, proposing a separation from the yearly meeting of Philadelphia; that it was adopted, and agreed to be signed, and that John Comly stated that it would be needful to appoint a committee to carry it down to the families of Friends, and to explain and enforce the necessity and propriety of such a measure; and that the said meeting stood adjourned to the rise of the yearly meeting, at which time John Comly alleged that he should have some important propositions to make to it. The individual also stated, that he recognized in the countenances of many of those, who were now opposing the appointment of a committee in the yearly meeting, the same persons who had attended the meeting the evening before, and taken an active part in its proceedings. This information soon changed the aspect of things in the yearly meeting. Some of the separatists at first attempted to deny it, declaring that it

was without any foundation at all, but some others of them, with more candour, admitted that it was substantially correct. As the meeting was now fully informed of their intended separation, the impropriety of their interfering in the business of the yearly meeting, so as to prevent it from extending the requisite care to its subordinate meetings and members, was so obvious, that they declined any further opposition to the appointment of the committee. Several of their leading characters stated, that they thought they ought not to interfere; and as all opposition ceased, a minute was accordingly made, and the committee appointed. During the course of the morning, several persons who have since been conspicuous in the new society, expressed that they did not expect ever to attend a yearly meeting in that house again, and addressed themselves to those who should hereafter have that privilege. One of their preachers remarked, that the society of Friends had always made the Scriptures the test for doctrine, and at the same time had allowed every individual the right of private interpretation, but that as soon as any member promulgated any doctrine, he certainly ought to be made responsible for them; and that on this simple ground the society of Friends had always stood. That he had sincerely desired that the diverse views of different individuals, members of that meeting, might be so reconciled, as that we could once more meet harmoniously; but he now saw that this was impracticable; we had arrived at that period, in which a separation *must* and *would* take place; and his wish was that we might part in good-will, and, however widely separated from each other, endeavour to exercise charity. Another minister among them observed, that we had heard it stated, that any individual who dissented from the doctrines of a religious society had a right to withdraw from it, and to worship the Almighty in such manner as he thought right; and surely if one individual had a right to do so, a number had the same right. He, therefore, encouraged his party to leave all, their friends and connexions, and the property of the society, and to meet in their own private houses, in barns, or any other places that they could get, and sit down to wait quietly on the Almighty; and he believed if they did so, they would be supported.

“It was clearly apparent from these, and other similar observations, that they contemplated an entire separation from the society of Friends and its property. The business of the meeting being gone through, the minutes of all its proceedings were deliberately read over; no objection was made to any part of them; and after a pause the clerk made the usual minute, concluding the meeting to convene, or to meet again ‘at the usual time next year, if the Lord permit;’ which latter form of expression has always been used in the concluding minute of the yearly meeting, since I have attended it. After this minute was read, a considerable pause ensued; there was no objection made to it; and Friends separated from each other in the customary manner.”

The representatives having thus failed to make their appointment, William Jackson, an aged and respectable member, stated the practice in such cases to be for the old clerk to continue in office. The evidence of this is found in vol. i. p. 265, the testimony of Thomas Evans. Samuel Bettie, in vol. i. p. 68, says, that the members on the other side expressed a wish that the old clerk should remain, and we find him take his seat as clerk, and John Comly acting as his assistant. See the testimony of Samuel Bettie, p. 68-69, and Joseph and Thomas Evans, vol. i. p. 266-7. He states that John Comly was urged by his party to take his seat as assistant clerk.

Here we find the effort to accomplish this separation through the instrumentality of Comly, by making him clerk, by adopting the principle of majority, by doubling their representatives, and by other measures unsanctioned by the discipline of the society. We find also that an effort was made to resist this innovation. Was it proper in my clients, standing by the institutions of their forefathers, to make that effort? Was it such as this honourable court, bound to protect the religious institutions of their country, will, in their judicial capacity, approve? The result of your deliberations will furnish the answer. But it is said that here is an effort made which strikes at the very foundation of the institutions of the society. That effort is simply that my clients resisted this attempt of innovation, because they declared that the opposite party were not at liberty to introduce the majority principle—that it was unjust—that it was taking others by surprise—that it was breaking through a custom deeply interwoven with their religious faith, namely, that the majority is not permitted to decide. They, on their side, have offered witnesses to show that this is the usual mode in such cases. We deny it. You will find no difficulty in ascertaining the true method of proceeding. We have offered Samuel Bettie, vol. i. p. 64, and Samuel Parsons, vol. i. p. 84, of Depositions, beside other witnesses, who say that the practice of deciding by majorities is not known. If such a practice did exist, is it not singular that the society has never taken means to ascertain the majority—that they have never counted the members on each side, nor resorted to any other of the usual modes of ascertaining their votes for that purpose. It is precisely the course which any body of people would take on a question whereon different opinions existed, and you find that the “Hicksite” party resorted to it on this occasion. Abraham Lower makes an effort to divide, and it fails. Why does it fail? Why not complete their purpose at once? They well knew that the course was never adopted, and the novelty of it awed them—they hesitated, and shrunk from carrying out their plan, and finally acquiesced in the idea that John Cox, that very respectable and venerable old man, should make the report to the meeting, which he did. But after this attempt at the yearly meeting we find Abraham Lower still pushing the matter on, and saying that such was not the statement of the representatives, and when Cox makes the statement he

will not own it. Cox appeals to the representatives, and the "Hicksite" party acknowledged the truth of his statement, and we subsequently find them acquiescing in what was said, that it was customary, in similar circumstances, for the old clerk to remain in office until a new one is appointed. This acquiescence puts an end to the matter there. Here is a damning fact against them—that both persons took their seats and acted in the capacity of clerks, and the party remained and attended the meeting through all its sittings, and participated in its deliberations.

Having shown what the principle is, on which the society are accustomed to decide questions coming before them, let me call your attention to some other points in the cause.

The witnesses on both sides say that they never count nor divide; and yet, some way or other, the opposite party would fain get at the idea that the majority principle prevails; and that they all stand on equal footing, young and old, religious and irreligious, and those who stand on the mere footing of birth-right, unaided by any other consideration, are to have the same privileges extended to them as the old and pious who have spent their lives in attending to the religious institutions of this society. How long a society could last on such principles as these I am not able to conjecture. In vol. ii. of *Depositions*, p. 253, on the cross-examination of Charles Stokes, the question is asked:

"Does not Clarkson in his 'Portraiture of Quakerism,' which you have quoted from, convey a clear view of the meetings for discipline of the society of Friends, when, in speaking of their institution by George Fox, he says, 'in these courts or meetings, the poor were to have an equal voice with the rich, there was to be no distinction but in favour of religious worth, and here it is to be remarked that he, [George Fox,] was so desirous that the most righteous judgment should be pronounced upon any offender, that he abandoned the usual mode of decision in general so highly valued, by a majority of voices, and recommended the decision to be made according to the apparent will of the virtuous who might be present.'—[p. 178, vol. 1.] 'But in whatever way the question before them is settled, no division is ever called for, no counting of members is allowed, no protest is suffered to be entered; in such a case there can be no ostensible leader of any party, no ostensible minority or majority. The Quakers are of opinion that such things, if allowed, would be inconsistent with their profession: they would lead also to broils and divisions, and ultimately to the detriment of the society.'—[ib. p. 278.]

"A. I believe that Clarkson, in the extracts quoted, has given a correct view of our meetings for discipline, in this respect, when properly conducted.

"Does not Robert Barclay truly express the sentiments of the society of Friends, when he says, in his treatise on church government, 'if so be, in such a church, there should arise any difference,

there will be an infallible judgment in the spirit of God, which may be in a general assembly, yet not limited to it as excluding others; and *may* prove the judgment of the *plurality*, yet not to be decided *thereby*, as if the infallibility were placed there, excluding the *fewer*.'—[p. 98.] And again, when in drawing a contrast between the church government of the society of Friends, and church of Rome, he gives as one of the marks of distinction that the latter '*decide by a plurality of votes*;' and also between Friends and other protestants, that the latter hold '*the decision is to be by plurality of votes*,' without any necessary respect to the inward holiness, or regeneration of the persons.—[p. 96.] Whereas, the Quakers hold '*that in the true church of Christ, according to the description above given of it, there will in such cases of differences and controversies, still be an infallible judgment from the spirit of God, either in one or other, few or more*.'—[p. 101.]

“A. The views of Barclay as contained in those quotations, are such as are held by the religious society of Friends; which does not, however, preclude the general sense of the meeting from being in accordance with the qualifications which he [Barclay] states as requisite to a correct decision.”

Here we have one of their own witnesses, who, when called on to answer in regard to the ancient doctrines, (I term them *doctrines* because they are deeply blended with the faith of the society,) admits that they do not decide by plurality, that the decision may be with the *few* or with the many—that the party looked to as constituting the pervading sense of the meeting is not the *many*; not the rich, nor powerful of this world, but the aged and the pious—and that the clerk is to gather the sense of the meeting accordingly. There is nothing aristocratic in this, unless the humble, the pious, and the venerable, are to be thus put down; and the young, the gay and the thoughtless are to ride over our religious institutions, and to guide their proceedings at their pleasure. In the presbyterian church, in the case of the *State v. Crowell*, it was decided that the membership of the congregation depended upon the terms adopted by the ecclesiastical judicatories. How were those judicatories formed in that church, who thus regulated the terms of membership? Not by the majority of the congregation, but they were composed of ministers and elders, and the elders are appointed by the communicants of the church.

This court, I trust, is prepared to say we will preserve the government and rules of action of this and every other church, even in those instances where the power of the majority is controlled; and there is no other course which can possibly preserve the religious institutions of your country. Converse with any man who is at all versed in matters connected with the government and interests of religious societies, and he will tell you that it is difficult to preserve these institutions, even with all the power which is given for securing their inviolability.

But the learned counsel says, that the majority principle is the true republican principle, that it is the most obvious one, and agreeable to a state of nature. The true answer to that hypothesis will be, that it is a mere matter of policy. Look over your statute books, at the various statutes which have been passed in the by-gone years of legislation, and you will find that you have repeatedly and constantly violated, by your own acts, the very principle for which the gentleman contends. When a fund is given for certain benevolent and christian purposes, and an institution is formed, and rules of government prescribed by those who have made the endowment, for its regulation and use, and the right to that fund is called in question, is there any impropriety in saying that the pious and aged members are to have more weight and influence attached to their opinions and views than the young, or those who claim association with the society merely on the ground of birth-right. George Fox, the founder of this society, and his coadjutors, saw clearly into human nature, when he gave this privilege of birth-right in the institution to the children of members, but it never was his intention to put the powers of those institutions in their hands, but to give them to their aged, pious, and venerable supporters.

The counsel say that in this case the clerk was not in a condition to gather the sense of the meeting, that he was partial. Was Comly in a better condition? Was the society in a better condition to have that matter settled by the majority principle when one part had been taken by surprise, the other party having double their numbers in those quarters when they predominated? Was it right that a change should be made in this way? But the clerk, Samuel Bettle, did not interfere in this business in any way to subject him to the slightest imputation on either side, and all we contend for is this—that in point of fact, the representatives not agreeing on the appointment, the old clerk continued in office; that it is the legal course in such cases; and that Comly and his party acquiesced in this course as the correct and proper one.

If the majority principle is to prevail, they had a plain course to pursue, but the true power exists not there, it is beyond and above them; it is vested in the judicial tribunals of their country. Their course still was plain enough; all they had to do was to take the prevailing sense of the meeting, or the majority, as it is termed, and to elect a new clerk upon their own principles, and then the question between the two clerks would have been settled before the judicial tribunals of the country, if they could not adjust it among themselves. It was so in the meeting at Perth Amboy, and a judicial tribunal decided which of the two different sets of trustees was legitimate. The members of the congregation there took no such steps as have been adopted here. The chief justice goes over these topics in his opinion, to which I will now call the attention of the court. In p. 23, he says:

“The only acts alleged against the body in a collective capacity,

are two in number. First, the appointment of a clerk of the meeting; and secondly, the appointment, near the close of the session, of a committee to visit the subordinate meetings.

“First, the appointment of clerk to the meeting. To regard the act against which this complaint is directed, *as the appointment of a clerk*, is an entire misapprehension. It was in truth no more than the continuance in office of the former clerk; and as it seems to me, so far from an act of the body in its collective capacity; in violation of any rule, it was a strict, and under the circumstances in which the meeting was placed, an unavoidable compliance with, an adherence to, the ancient custom and order of the society.”

In page 25: “It is, however said, the greater number of the representatives wished to release the former clerk, and to nominate another in his stead; that a proposal was made to take their sense by a vote; and that this measure, which would have resulted in a majority for a new clerk, was prevented and defeated, by the conduct of those who sought to retain the services of the former officer.”

He then says, p. 27: “The constitution of this society, neither recognizes nor makes provision for a vote, or a decision on the principle of numbers, in any instance or predicament. The minutes and journals of the various meetings, not merely within the bounds of this yearly meeting, but within the pale of the whole society, do not furnish, so far as we are able to learn, a single record of a vote taken, or a count of numbers.”

And he then refers to Barclay, p. 28: ‘The only proper judge of controversies in the church, is the spirit of God; and the power of deciding lies solely in it, as having the only unerring, infallible and certain judgment belonging to it; which infallibility is not necessarily annexed to any persons, person or place, whatever, by virtue of any office, place or station any one may have, or have had, in the body of Christ; that is to say, that any have ground to reason thus, because I am, or have been, such an eminent member, therefore my judgment is infallible, or because we are the greatest number.’

And this same doctrine is supported in the state of New York, in the case of the Purchase preparative meeting, whence the supreme court of that state came to the same conclusion, and rejected the majority principle. But if that party had intended to insist seriously, that the majority principle should prevail, and wished to bring the matter to a test, their course should have been to propose a clerk and bring him in by a majority, and, if they really had a majority, register him as so elected. But no effort of this sort was made. You have the views of the chief justice in page 29, of his opinion upon the subject: “There is another fact worthy of much consideration, in looking into the propriety of these proceedings, which is, that no person, save Samuel Bettle, the former clerk, was proposed for the office. The importance of this circumstance in civil affairs, is thus shown in the recent American treatise on the law of corporations: ‘Where a majority protest against the election of a proposed candi-

ate, and do not propose any other candidate, the minority may elect the candidate proposed.' " Angel & Ames on Corp. 67.

" After all these events, I can have no hesitation in yielding to the entire and unqualified conviction, that the body remained in its pristine vigour, and proceeded to business as the Philadelphia yearly meeting of the society of Friends." And if this body really were the society of Friends; if the principle I have adverted to be correct, no man can hesitate to say that the yearly meeting was in full existence after this transaction. Is there anything else to show that it was not in existence? They rely on one other topic: the appointment of a committee to go and watch over the respective subordinate meetings, in order to strengthen and encourage them, in the trying circumstances in which the society was placed. You have a view of this in the testimony of Samuel Bettle, Ev. vol. i. p. 69.

" At the last sitting on seventh-day morning, a proposition was introduced from the women's meeting, to appoint a committee to visit the respective subordinate meetings for their strength and encouragement. To this there was a decided objection made; some Friends then in the meeting, and now attached to each of the parties, opposed it. The doubt of some was, that it had better not be decided at that time; with others there was a decided opposition to the measure. At this juncture, a Friend stated to the meeting of the out door proceedings, the private meetings, which I have endeavoured to describe, and opened the whole subject; it appeared to me evidently to create uneasiness and alarm on the part of those who had been concerned in these meetings; some of them called in question the accuracy of the statement that had been made, and seemed disposed to deny it; some did deny it; others, however, said that the general statement was accurate, and acknowledged it. The propriety of appointing a committee under such circumstances, appeared so very obvious, that the opposition in a great measure ceased for that time, after which there was a greater and more general expression of unity with the measure, than I have often, if ever, seen or heard. I had been watching the course of events as the clerk of the meeting, to know how to act, and when all opposition had ceased, and it was very apparent it was the sense of the meeting that the appointment should be made, I rose and stated to the meeting that I had my doubts when this proposition was first brought in, whether it was expedient to adopt the proposition at that time, but that as the servant of the meeting, it being so manifestly its sense, I should now proceed to make the minute, and accordingly made it, and united with them in their views, and a committee was appointed pursuant to the minute.

" There was one other proposition made in the meeting, and that was to raise three thousand dollars, to aid our brethren in North Carolina, in removing out of that state many hundred coloured people; eight or nine hundred of them at least, who were under the care of the Carolina yearly meeting, and whose liberties were in jeopardy,

unless they removed out of the state, by a law of that state. To sum it was proposed should be raised by the different quarterly meetings in the usual proportions. This was entirely united with: not a single dissenting voice; a great many expressing their views, and a minute was made directing the quarterly meetings to raise the money, and pay it to Ellis Yarnall, the treasurer of the yearly meeting. There was no other business that I recollect, on the last day of the sitting, but the reading of the minutes; during the last hour of the sitting all the proceedings were read over, as is usual at the close of the meeting; no objections were made by any one, to any part of the minutes, and the concluding minute was also read, adjourning the meeting until the next year, at the same time and place, if the Lord permit, or using such other expression as is usual on such occasions, with those who acknowledge the superintending care of all-wise providence, to which minutes of adjournment no objection was made by any one."

I shall have occasion to call the attention of the court to the private meetings which have just been spoken of. These were the meetings which issued proclamations for a convention, to form a new yearly meeting; and the appointment of a committee is now relied on as a ground to take the steps they did, which steps were taken, and alleged to be warranted, on the idea that the yearly meeting was dissolved: and yet these very steps were taken *before* this committee was appointed. Thus the effect preceded the cause, and the whole transaction was out of the ordinary course of things. They had gathered together, devised, and fully planned that paper, which called on the Friends of their party to hold a new yearly meeting, before the committee had been appointed. Again, their meetings were secret, and they were holding them, whilst those very members thus engaged were in public attendance on the regular yearly meeting; and whilst they were at the same time opposing the formation of such a committee. But their secret, dark, and midnight movements had been developed: their covert and undermining proceedings had been brought to light. They were charged with their duplicity: first they denied, then evaded; then admitted it, and shrunk back from all opposition to the committee, and expressed their opinions that it ought to be appointed. It was agreeable to ancient custom to appoint such a committee. Samuel Bettle, in vol. i. p. 70, says so; and Halliday Jackson, in vol. ii. p. 134, admits that such committees have often been appointed. He says, that their own yearly meeting had appointed three such committees already, since 1827. It was not, therefore, out of the ordinary course of things to do so. I call the attention of the court to the minute recording the appointment. It is found in Ev. vol. ii. p. 478.

"At a yearly meeting of ministers and elders, held in Philadelphia by adjournments, from the fourteenth of fourth month to the 18th of the same inclusive, 1827:

"Having proceeded in the consideration of the answers to the questions

rice, as far as the 2d inclusive, and the meeting being brought under an exercise respecting the ministry, it was, after solid consideration, concluded to appoint a committee to visit, as way may open, the several quarterly and preparative meetings of ministers and elders, and through the strength which may be vouchsafed by the blessed Head of the church, to extend such advice and assistance as may conduce to the health of the body, and the benefit of the individual members; to which service the following Friends are named, viz: Samuel Bettle, William Jackson, Jonathan Evans, Thomas Wistar, Hinchman Haines, William Newbold, Joseph Whitall, William Allinson, Sarah Cresson, Jane Bettle, Hannah Whitall, Elizabeth Reeve, Mary Wistar, Elizabeth Allinson, Mary Morton. And the said quarterly and preparative meetings are desired to accommodate this committee in such manner and at such times, as may aid them in the fulfilment of the duty devolved upon them.

"2d Answer. 'A belief is expressed, that ministers are generally sound in word and doctrine, and they are careful their ministry may be in the ability queried after. One quarterly meeting reports, that one of its branches has stated that much pain and exercise have been experienced on account of persons coming among them, promulgating sentiments or doctrines, tending to lay waste a belief in our Lord and Saviour Jesus Christ; and the same quarterly meeting adds, that unsoundness in the ministry exists among *them*.'"

'We have shown that it was usual to appoint committees, on extraordinary occasions; we have shown that the opposite party carried on a series of secret movements, calculated, if carried into effect, to break up the venerable institutions of this society from their deepest foundations; and that when these secret actors were dragged to light, and called up to explain their conduct, they shrunk from all opposition to the measure proposed. Will any man say that my clients, anxious to preserve those institutions, were wrong in the efforts which they made to shield and defend those who were undermining them?

The chief justice, in page 31 of the case as reported, says:

"Was the appointment of such a committee, a novel, and therefore alarming occurrence? More than one witness testifies, and no one denies, that it was an ancient custom of the society. (Samuel Bettle, vol. i. Evid. 70. Halliday Jackson, vol. ii. Evid. 133.) Had the meeting power to make such appointment? Aside of the multitude of unquestioned precedents, a witness says, 'during the discussion of the proposition, there was no suggestion of a doubt of the right and power of the yearly meeting to appoint such committee; the difference of opinion was confined to the expediency of making the appointment at that time.' (Samuel Bettle, vol. i. Evid. 70.) Was the purpose of the appointment laudable? It was to advise and counsel the inferior meetings, in the language of one of the witnesses, 'for their strength and encouragement.' And if the design was to prevent schism and separation, the end was surely commendable; and if the measures taken to attain it were otherwise, the con-

sure should rest on the committee, the agents, and not on the meeting, the constituents. Was partiality exercised by the clerk, or any other person, in the selection of the committee? No name which was proposed was rejected. Was there opposition to the appointment? Strong and decided at the outset. Was there at length an acquiescence? 'A greater and more general expression of unity than usual,' says one witness. 'The opposition pretty generally, if not altogether ceasing,' says another witness, 'the meeting proceeded to appoint.' (Joseph Whitall, vol. i. Evid. 218.) Another says, 'As all opposition ceased, a minute was made, and the committee appointed.' (Thomas Evans, i. vol. Evid. 268.) These matters of fact, are I believe, uncontradicted. One of the witnesses, indeed, intimates that the clerk made the minute, being subject entirely to the dictates of his own party. But the clerk himself, whose veracity and candour are not only above reproach, but beyond suspicion, and who surely best knew his own motive of action, says, that though doubting at first the expediency of the measure, he made the minute, as the servant of the meeting, and because it was manifestly their sense that the appointment should take place."

I have now gone over all the grounds, so far as I have been able to discover them, which are relied on as tending to establish the fact that the old yearly meeting of Philadelphia is dissolved: I mean over all the grounds of complaint resorted to on the opposite side. Is there anything to warrant the idea of its dissolution? Suppose it were proved that my clients had acted arbitrarily, does that destroy the yearly meeting? Does that justify the annihilation of institutions which have withstood the changes and convulsions of the world for so long a period of time. Are we to be told, when one party in an institution acts improperly and the other complains of his conduct, that the institutions themselves are therefore to be taken to pieces and utterly destroyed? In Halsted's Rep. 219, in a like case, where a division of the society had taken place, and two separate independent bodies had been formed, the chief justice says:

"Both cannot, then, be the reformed Dutch church. The new body can be so, only by taking the place of the old now defunct.—Is then the ancient body dissolved? Its classis, consistories, synods, destroyed? Its ministers deposed? Its people no longer members of a lawfully constituted church—and all without process, trial, or condemnation? Have they lost all their civil and ecclesiastical rights, by the formation of the new body, even if the allegation is true that errors of doctrine and of practice have crept in among them? To enter on a course of reasoning to resolve these questions is superfluous. No one, as it appears to me, will hesitate to answer them in the negative."

And the same remarks, I think, might have been quoted, with great aptitude, by the chief justice in this cause. There is not any necessity, therefore, to show that these institutions were not dissolved by the various acts on the other side, even if the grounds of

complaint against my clients were true. The great object of a court of equity is to see that such institutions be not broken up, but that they be preserved for their original purposes ; and there is a power in that court, through the instrumentality of the attorney general to preserve them—to see that no abuses creep in among them, and that they are not diverted from their trusts.

But what are the principles which have been gathered together by the ingenuity of the counsel, to show that a dissolution of this yearly meeting did in fact take place. He says that the original contract between the members was violated, and that the rights of his party have been violently taken away ; and he has cited authorities to show that where one party is first guilty of a violation of his contract, he cannot bring his action against the other party for a subsequent breach. This proposition is founded on the fallacious idea which has run through the learned counsel's whole argument, that this is a sort of joint stock fund—a tenancy in common ; that it belongs to the members for the time being, in their individual right ; not that it is a property attached to the institution itself, and in which the present members have but a species of usufructuary enjoyment ; but that it is one in which their present and individual rights are uncontrolled and absolute. This is a radical error. Can any man look upon these institutions and on the manner in which they have been fostered, protected and supported, and draw such a conclusion ? Can he look on the property, some of which has existed for ages, and which was devoted by the founders, who have long lain in their graves, to charitable purposes, and still consider it as belonging to the members for the time being, and to be regulated as you would a contract for a box of nails, or a bag of coffee ? Is this correct ? It never can be so. This society partakes of the character of a great social compact, in which the dead and the living, and numbers of human beings who are yet to live, are all engaged : it is a great compact of trust and confidence between the venerable founders of these institutions on behalf of themselves, and the generations of men who are to succeed them in these establishments, on the one part, and the government of the country on the other ; and that government is bound in duty as it is in interest, to protect and preserve that compact inviolate.

The next ground taken by the learned counsel is that of the right of revolution. He says, that this great fundamental compact has been destroyed ; and that his clients have therefore been thrown back on their reserved rights ; and that they were entitled to resort to that power which supersedes all law, which is above and beyond it. It is the right of revolution for which the gentleman so earnestly contends ; in other words, that state of things in which a man is compelled to resort to those weapons which are given him by the God of nature for his protection and freedom. It is a sacred right ; and when properly exercised, every man must submit to it. This is the right of a people having no ulterior tribunal to resort to for

redress, and even then it is not to be lightly called into action ; it is not an every day affair. It is only to be resorted to in the last moment, and when every other hope of redress has failed. Such was the case in our own great revolution. But is it not supremely ridiculous to undertake to apply this great law of force to a religious institution, existing under a government of law, that law still in force and a judiciary existing to support it, and the law perfectly able and competent to give redress wherever its protection is sought for. This, indeed, would be a most singular state of things. Here are our laws, willing and able to shield and defend the members of this or any other religious society; and yet in every difficulty or trouble they may chance to be involved in, they are to throw themselves upon their last resources. They are not to resort to the laws of their country for redress, but to the law of revolution ; and in times like these we are to be talked to in a court of justice about the laws of nature and of nature's God. Are all our civil and religious institutions to be thus carried on? Are we to see a species of feudal systems established, wherein every petty, domineering tyrant, whether religious or secular, may play the despot, and mould the rights and property of others according to his pleasure? They tell us that a temporal tribunal has no right to interfere with our proceedings; they say, we throw ourselves on our reserved rights, we will break down the institutions of our forefathers, and we will re-establish them on our own principles. This is a strange doctrine to be advanced by men living under a government of laws.

But if these institutions are to be considered as dissolved, have the opposite party taken the course to mend them? Have they done that which duty would dictate that they should do? They have issued their proclamation ; and to whom? To all the members? They do not pretend that we have lost our rights. If you look to the evidence of Halliday Jackson, vol. ii. p. 158, and Abraham Lower, vol. i. p. 171 of Depositions, you will find [a distinct admission that they never considered our members as disowned or disfranchised. At the head of their proclamation they undertake to address themselves to the Friends; but what do they mean by the term? In the body of the instrument they speak of the Friends *in unity with themselves*. These are party-proceedings; and when they find that they are not able to drive the opposite party out of their seat and privileges, they assemble together, and in their private juntas, recommend a convention of their own party, and so form a party meeting. I refer the court to authority to show that a notice of proceedings of this kind must be served on all the members, and, therefore, that they have proceeded irregularly in re-organizing the yearly meeting, even if it had ever been broken up. In *Angel on Corporations*, it is laid down that a special meeting, called out of the established order, to be regularly constituted, a notice of the meeting must be served on all the members. And the chief justice, in p. 52 of his opinion, observes on this subject:

"If the body which then closed its functions for the time, in the usual manner, and by the ancient minute, was the legitimate body, it is enough for the present occasion, nor need we look at its future history, because the new body, which claims its power and place, assembled in the course of a few months, and before the recurrence of the next annual period. It may not, however, be unprofitable to state in this connexion, as appears from the evidence, that in the year 1828, and since, annually, at the wonted time and place, meetings have been held, of such as have thought proper to attend, of the acknowledged members of the ancient society, who have not been disfranchised by any act of any tribunal, claiming to represent the society of Friends, or to possess or exert any power of disownment."

He then observes, after having gone over the whole subject, that the views taken to show that the yearly meeting was dissolved, and that it had been subsequently re-organized, have not even the consistency of the mist of the morning.

I now propose to show that the members of that party themselves, did not consider that the yearly meeting was dissolved and re-organized; but that they knew at the time, that they were establishing a ~~new~~ yearly meeting; and that the idea of dissolution was a mere after thought, resulting from a consideration of the consequences of their proceedings. Look at their address in vol. 2, p. 456, of Depositions:

"We, therefore, under a solemn and weighty sense of the importance of this concern, and with ardent desires that all our movements may be under the guidance of Him, who only can lead us in safety, have agreed to propose for your consideration, the propriety and expediency of holding a yearly meeting for Friends in unity with us, residing within the limits of those quarterly meetings, heretofore represented in the yearly meeting held in Philadelphia; for which purpose, it is recommended that quarterly and monthly meetings, which may be prepared for such a measure, should appoint representatives to meet in Philadelphia, on the third second-day in tenth-month next, at ten o'clock in the morning, in company with other members favourable to our views, there to hold a yearly meeting of men and women Friends."

From this it is perfectly manifest that they did not even dream, at that time, that they were continuing the old yearly meeting, but that their sole aim and object were to create a new yearly meeting, professedly on the principles of the early professors of the name. And if you refer to the minutes of the "Hicksite" Chesterfield meeting, Exhibit L., you will find the same idea.

If a recognition of the continuance of the old yearly meeting had been intended, would they not, in all this document, have spoken of it as such? But when you find them, altogether, shutting out that view, and speaking of a yearly meeting, and the principles on which it was to be established, how can it be contended that this was a re-

organization of the old meeting? I said I further purposed to show, from their conduct in the yearly meeting, that they did not consider the old yearly meeting dissolved, and that this was a mere after thought. The first piece of evidence on this point is, that Comly continued to act as assistant clerk during the *whole* meeting, and long after this document, which was the germ out of which the new yearly meeting was to arise, was manufactured. You find a proposition came up to raise three thousand dollars for charitable purposes, (vol. 1, p. 70,) and that it was carried, and that the meetings raised their quotas and sent them in accordingly. Can it be pretended that a dissolution of the meeting had taken place, whilst the members, consisting of both these parties, were thus attending to its concerns and interests? Halliday Jackson, in vol. 2, p. 55, speaking on this subject, says :

“The business of the yearly meeting was proceeded in, and the usual subjects that occupy that body, such as considering the state of society, from the answers to the queries that are brought up from the different quarterly meetings in their reports, the reading of the minutes of the meeting for sufferings: reading reports from the committee who stood charged with the civilization of the Indians, and the report from the committee of Westown school, and some other matters which occupied the meeting through the week, which it is not necessary to mention: I cannot recollect all.”

In vol. i. p. 218, Joseph Whitall says, “The meeting proceeded with reading the epistles till they were gone through with, and then adjourned in a regular manner to the usual time next year, without one dissenting voice. Those who have since gone off in the secession, were generally present at the time of the adjournment. I believe the yearly meeting was as large and numerous at the last sitting, as at any sitting during the week.”

Now when you find these very men continuing in the yearly meeting throughout; objecting to some propositions, and approving of others, even after the document for the establishment of the new yearly meeting was in fact prepared; and when you find them attending, even on the very last day of the meeting, how can they possibly pretend that they considered that meeting as dissolved, and that its dissolution led them to prepare that document for the purpose of reviving and reorganizing it?

I now proceed to the schism which took place in the subordinate meetings: I will not go over the evidence in detail, for it is unnecessary to do so. We all well know that when there is a secession in the head, it is sure to extend itself through all the subordinate branches: and their position as to being the true society or not must depend on the head to which they have attached themselves. John Gummere, gives an account of the schism as it took place in the Burlington quarter. The orthodox adjourned to another place, and transacted business; those who remained behind appointed a clerk, and attached themselves to the yearly meeting, held in Green and

berry streets, by the "Hicksite" party. The simple fact of the members going to another place is nothing, but they would not transact business when persons were present who had not a right to be there, and such persons were present and insisted upon continuing. Now the party who attached themselves to the ancient yearly meeting, are the true members, and are to be considered as constituting the legitimate yearly meeting. In the Chesterfield monthly meeting you find that the "Hicksites" succeeded, and appointed a new clerk, and in the testimony of Josiah Gaskill, page 34, you have an account of this proceeding: they joined the Green street meeting and appointed their representatives; to this point you have also the testimony of Samuel Craft, 1st vol. page 339, and Samuel Emilen, page 324; also of James Brown. In vol. ii. page 23, he says, that Decow was appointed treasurer, after the separation between the two branches. He was then appointed by this new "Hicksite" preparative meeting—that the "Hicksite" preparative meeting joined the new Green street yearly meeting. In p. 322, the same witness says, that they have not considered themselves members of the Arch street yearly meeting since the year 1827.

Here then, is a division; the branches give in their adhesion to their respective heads, and they are to be judged accordingly. In the Chesterfield monthly meeting, according to Samuel Craft, persons were present who were under dealing. They could not be legally present when there was business going on, and therefore, the orthodox removed to another place to transact their business, and the opposite party remaining, joined the Green street yearly meeting. The court will find the view of the chief justice on this point in page 59:

"Upon the whole, I am brought, by the most careful, faithful, and minute investigation of which I am capable, to the result, that the Arch street meeting was, and the Green street meeting was not, the Philadelphia yearly meeting of the society of Friends.

"We are now too look for the consequences on the cause before the court. We have seen that every preparative meeting within the States of Pennsylvania and New Jersey, which is, through and by its connecting links, connected with, and subordinate to, the yearly meeting of Philadelphia, is a preparative meeting of the people called Quakers; and any preparative meeting or assemblage of persons calling themselves a preparative meeting, not thus connected and subordinate, is not a preparative meeting of that people, within the meaning of their constitution and discipline, and within the meaning of the subscription to the school in the present case, or, in other words, the instrument whereby the trust fund was created. We have farther seen, that the preparative meeting having authority to appoint the treasurer of the school fund, is the preparative meeting of Chesterfield, connected with, and subordinate to, the yearly meeting of Friends of Philadelphia. We have seen that the preparative meeting whereby Stacy Decow was appointed treasurer,

organization of the old meeting? I said I show, from their conduct in the yearly meeting consider the old yearly meeting dissolved, or after thought. The first piece of evidence Comly continued to act as assistant clerk and long after this document, which was yearly meeting was to arise, was mentioned in position came up to raise three thousand (vol. 1, p. 70,) and that it was carrying their quotas and sent them in as a dissolution of the meeting by consisting of both these parties and interests? Halliday J. on this subject, says:

"The business of the society, from the usual subjects that occur different quarterly notes of the meeting who stood at report from the ters which are necessary to In vol. with res adjourn one d sion. liev tin r

It is the yearly meeting which overlooks, and in the maintenance of their peculiar discipline, and in the word, which identifies them as a body of Friends." the judge in another part of his opinion, states, that although they are only mistaken in selecting the wrong head, he would not reluctantly he might so decide, yet he would be under the necessity of deciding that they must be determined by their all they have to do in case they have selected the wrong head, in mistake, is to go back and submit themselves to their true allegiance. This position is supported by the opinion of Lord Eldon, in the case already quoted; and in the case of the Purchase preparative meeting of New York, which was decided by the supreme court of that state. There the secession had taken place in the monthly meeting, and that determined the condition of the preparative meeting.

This must be so in the natural course of things. How else can they carry on the business of their society? Can there be meetings to which others are subordinate, and yet those meetings not be subject themselves to any subordination? There is one peculiar feature in the preparative meeting which deserves consideration. Its object is to prepare business for the superior monthly meeting. Now if it throws off its allegiance to that meeting, how can it serve its legitimate purpose of preparing business for it?

But, says the counsel, the preparative meeting has the control of the property, and in that respect it is independent of the monthly meeting. This is a mistake. We do not say that the monthly meeting has the control of the property; but we ask which is the preparative meeting to which it belongs, and which is it that submits to a

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 and all morality, must soon follow in its train. You sow
 ; your children may reap the whirlwind.
 Gentleman tells us, in the next place, that the bill was not filed
 on, on the ground of a breach of trust, and that they are in
 n of the school-house. If they are rightfully in possession
 the true preparative meeting, they are unquestionably enti-
 ch possession, and also to all the school funds. But if they
 be true preparative meeting, a wrongful possession of the
 use can never furnish a basis in equity, for the recovery up-
 l and mortgage to which they have no title, and of which
 possession at this present period. I apprehend there can
 etence for considering Decow and his party to be the true
 re meeting.

I conclude, permit me to remark, that this is not a question
 ty; but of such a character that it is intimately linked with
 ligious institutions of the country. We contend that, as a
 court, you have no right to pass upon the abstract merits of
 nes of the society, but that it is your province only to as-
 hat they are, simply as the characteristics by which a reli-
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unless they removed out of the state, by a law of that state. This sum it was proposed should be raised by the different quarterly meetings in the usual proportions. This was entirely united with: not a single dissenting voice; a great many expressing their views, and a minute was made directing the quarterly meetings to raise the money, and pay it to Ellis Yarnall, the treasurer of the yearly meeting. There was no other business that I recollect, on the last day of the sitting, but the reading of the minutes; during the last hour of the sitting all the proceedings were read over, as is usual at the close of the meeting; no objections were made by any one, to any part of the minutes, and the concluding minute was also read, adjourning the meeting until the next year, at the same time and place, if the Lord permit, or using such other expression as is usual on such occasions, with those who acknowledge the superintending care of a divine providence, to which minutes of adjournment no objection was made by any one."

I shall have occasion to call the attention of the court to the private meetings which have just been spoken of. These were the meetings which issued proclamations for a convention, to form a new yearly meeting; and the appointment of a committee is now relied on as a ground to take the steps they did, which steps were taken, and are alleged to be warranted, on the idea that the yearly meeting was dissolved: and yet these very steps were taken *before* this committee was appointed. Thus the effect preceded the cause, and the whole transaction was out of the ordinary course of things. They had got together, devised, and fully planned that paper, which called on the Friends of their party to hold a new yearly meeting, before the committee had been appointed. Again, their meetings were secret, and they were holding them, whilst those very members thus engaged, were in public attendance on the regular yearly meeting; and whilst they were at the same time opposing the formation of such a committee. But their secret, dark, and midnight movements had been developed: their covert and undermining proceedings had been brought to light. They were charged with their duplicity: first they denied, then evaded; then admitted it, and shrunk back from all opposition to the committee, and expressed their opinions that it ought to be appointed. It was agreeable to ancient custom to appoint that committee. Samuel Bettle, in vol. i. p. 70, says so; and Halliday Jackson, in vol. ii. p. 134, admits that such committees have often been appointed. He says, that their own yearly meeting had appointed three such committees already, since 1827. It was not, therefore, out of the ordinary course of things to do so. I call the attention of the court to the minute recording the appointments. It is found in Ev. vol. ii. p. 478.

"At a yearly meeting of ministers and elders, held in Philadelphia by adjournments, from the fourteenth of fourth month to the 18th of the same inclusive, 1827:

"Having proceeded in the consideration of the answers to the que-

ries, as far as the 2d inclusive, and the meeting being brought under an exercise respecting the ministry, it was, after solid consideration, concluded to appoint a committee to visit, as way may open, the several quarterly and preparative meetings of ministers and elders, and through the strength which may be vouchsafed by the blessed Head of the church, to extend such advice and assistance as may conduce to the health of the body, and the benefit of the individual members; to which service the following Friends are named, viz: Samuel Bettle, William Jackson, Jonathan Evans, Thomas Wistar, Hinchman Haines, William Newbold, Joseph Whittall, William Allinson, Sarah Cresson, Jane Bettle, Hannah Whittall, Elizabeth Reeve, Mary Wistar, Elizabeth Allinson, Mary Morton. And the said quarterly and preparative meetings are desired to accommodate this committee in such manner and at such times, as may aid them in the fulfilment of the duty devolved upon them.

“2d Answer. ‘A belief is expressed, that ministers are generally sound in word and doctrine, and they are careful their ministry may be in the ability queried after. One quarterly meeting reports, that one of its branches has stated that much pain and exercise have been experienced on account of persons coming among them, promulgating sentiments or doctrines, tending to lay waste a belief in our Lord and Saviour Jesus Christ; and the same quarterly meeting adds, that unsoundness in the ministry exists among *them*.’”

We have shown that it was usual to appoint committees, on extraordinary occasions; we have shown that the opposite party carried on a series of secret movements, calculated, if carried into effect, to break up the venerable institutions of this society from their deepest foundations; and that when these secret actors were dragged to light, and called up to explain their conduct, they shrunk from all opposition to the measure proposed. Will any man say that my clients, anxious to preserve those institutions, were wrong in the efforts which they made to shield and defend those who were undermining them?

The chief justice, in page 31 of the case as reported, says:

“Was the appointment of such a committee, a novel, and therefore an alarming occurrence? More than one witness testifies, and no one denies, that it was an ancient custom of the society. (Samuel Bettle, vol. i. Evid. 70. Halliday Jackson, vol. ii. Evid. 133.) Had the meeting power to make such appointment? Aside of the multitude of unquestioned precedents, a witness says, ‘during the discussion of the proposition, there was no suggestion of a doubt of the right and power of the yearly meeting to appoint such committee; the difference of opinion was confined to the expediency of making the appointment at that time.’ (Samuel Bettle, vol. i. Evid. 70.) Was the purpose of the appointment laudable? It was to advise and counsel the inferior meetings, in the language of one of the witnesses, ‘for their strength and encouragement.’ And if the design was to prevent schism and separation, the end was surely commendable; and if the measures taken to attain it were otherwise, the cen-

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And the same remarks, I think, might have been quoted, with great aptitude, by the chief justice in this cause. There is not any necessity, therefore, to show that these institutions were not dissolved by the various acts on the other side, even if the grounds of

complaint against my clients were true. The great object of a court of equity is to see that such institutions be not broken up, but that they be preserved for their original purposes; and there is a power in that court, through the instrumentality of the attorney general to preserve them—to see that no abuses creep in among them, and that they are not diverted from their trusts.

But what are the principles which have been gathered together by the ingenuity of the counsel, to show that a dissolution of this yearly meeting did in fact take place. He says that the original contract between the members was violated, and that the rights of his party have been violently taken away; and he has cited authorities to show that where one party is first guilty of a violation of his contract, he cannot bring his action against the other party for a subsequent breach. This proposition is founded on the fallacious idea which has run through the learned counsel's whole argument, that this is a sort of joint stock fund—a tenancy in common; that it belongs to the members for the time being, in their individual right; not that it is a property attached to the institution itself, and in which the present members have but a species of usufructuary enjoyment; but that it is one in which their present and individual rights are uncontrolled and absolute. This is a radical error. Can any man look upon these institutions and on the manner in which they have been fostered, protected and supported, and draw such a conclusion? Can he look on the property, some of which has existed for ages, and which was devoted by the founders, who have long lain in their graves, to charitable purposes, and still consider it as belonging to the members for the time being, and to be regulated as you would a contract for a box of nails, or a bag of coffee? Is this correct? It never can be so. This society partakes of the character of a great social compact, in which the dead and the living, and numbers of human beings who are yet to live, are all engaged: it is a great compact of trust and confidence between the venerable founders of these institutions on behalf of themselves, and the generations of men who are to succeed them in these establishments, on the one part, and the government of the country on the other; and that government is bound in duty as it is in interest, to protect and preserve that compact inviolate.

The next ground taken by the learned counsel is that of the right of revolution. He says, that this great fundamental compact has been destroyed; and that his clients have therefore been thrown back on their reserved rights; and that they were entitled to resort to that power which supersedes all law, which is above and beyond it. It is the right of revolution for which the gentleman so earnestly contends; in other words, that state of things in which a man is compelled to resort to those weapons which are given him by the God of nature for his protection and freedom. It is a sacred right; and when properly exercised, every man must submit to it. This is the right of a people having no ulterior tribunal to resort to for

redress, and even then it is not to be lightly called into action ; it is not an every day affair. It is only to be resorted to in the last moment, and when every other hope of redress has failed. Such was the case in our own great revolution. But is it not supremely ridiculous to undertake to apply this great law of force to a religious institution, existing under a government of law, that law still in force and a judiciary existing to support it, and the law perfectly able and competent to give redress wherever its protection is sought for. This, indeed, would be a most singular state of things. Here are our laws, willing and able to shield and defend the members of this or any other religious society; and yet in every difficulty or trouble they may chance to be involved in, they are to throw themselves upon their last resources. They are not to resort to the laws of their country for redress, but to the law of revolution ; and in times like these we are to be talked to in a court of justice about the laws of nature and of nature's God. Are all our civil and religious institutions to be thus carried on ? Are we to see a species of feudal systems established, wherein every petty, domineering tyrant, whether religious or secular, may play the despot, and mould the rights and property of others according to his pleasure ? They tell us that a temporal tribunal has no right to interfere with our proceedings; they say, we throw ourselves on our reserved rights, we will break down the institutions of our forefathers, and we will re-establish them on our own principles. This is a strange doctrine to be advanced by men living under a government of laws.

But if these institutions are to be considered as dissolved, have the opposite party taken the course to mend them ? Have they done that which duty would dictate that they should do ? They have issued their proclamation ; and to whom ? To all the members ? They do not pretend that we have lost our rights. If you look to the evidence of Halliday Jackson, vol. ii. p. 158, and Abraham Lower, vol. i. p. 171 of Depositions, you will find [a distinct admission that they never considered our members as disowned or disfranchised. At the head of their proclamation they undertake to address themselves to the Friends ; but what do they mean by the term ? In the body of the instrument they speak of the Friends *in unity with themselves*. These are party-proceedings ; and when they find that they are not able to drive the opposite party out of their seat and privileges, they assemble together, and in their private juntas, recommend a convention of their own party, and so form a party meeting. I refer the court to authority to show that a notice of proceedings of this kind must be served on all the members, and, therefore, that they have proceeded irregularly in re-organizing the yearly meeting, even if it had ever been broken up. In *Angel on Corporations*, it is laid down that a special meeting, called out of the established order, to be regularly constituted, a notice of the meeting must be served on all the members. And the chief justice, in p. 52 of his opinion, observes on this subject :

body which then closed its functions for the time, in the manner, and by the ancient minute, was the legitimate body, though for the present occasion, nor need we look at its future because the new body, which claims its power and place, shall in the course of a few months, and before the recurrence of the next annual period. It may not, however, be unprofitable to this connexion, as appears from the evidence, that in the past, and since, annually, at the wonted time and place, meetings have been held, of such as have thought proper to attend, of the aged members of the ancient society, who have not been dissolved by any act of any tribunal, claiming to represent the Friends, or to possess or exert any power of disown-

ment observes, after having gone over the whole subject, that it is taken to show that the yearly meeting was dissolved, and that it had been subsequently re-organized, have not even the confidence of the mist of the morning.

We propose to show that the members of that party themselves, consider that the yearly meeting was dissolved and re-organized, that they knew at the time, that they were establishing a new yearly meeting; and that the idea of dissolution was a mere oversight, resulting from a consideration of the consequences of the proceedings. Look at their address in vol. 2, p. 456, of the minutes:

"therefore, under a solemn and weighty sense of the importance of this concern, and with ardent desires that all our movements may be under the guidance of Him, who only can lead us in the right way, we have agreed to propose for your consideration, the propriety and expediency of holding a yearly meeting for Friends in unity residing within the limits of those quarterly meetings, herebefore represented in the yearly meeting held in Philadelphia; for this purpose, it is recommended that quarterly and monthly meetings which may be prepared for such a measure, should appoint representatives to meet in Philadelphia, on the third second-day in the month next, at ten o'clock in the morning, in company with members favourable to our views, there to hold a yearly meeting for men and women Friends."

From this it is perfectly manifest that they did not even dream, at the time, that they were continuing the old yearly meeting, but that their sole aim and object were to create a new yearly meeting, wholly on the principles of the early professors of the name. If you refer to the minutes of the "Hicksite" Chesterfield meeting at L., you will find the same idea.

The recognition of the continuance of the old yearly meeting had been denied, would they not, in all this document, have spoken of it? But when you find them, altogether, shutting out that old speaking of a yearly meeting, and the principles on which it had been established, how can it be contended that this was a re-

organization of the old meeting? I said I further purposed to show, from their conduct in the yearly meeting, that they did not consider the old yearly meeting dissolved, and that this was a mere after thought. The first piece of evidence on this point is, that Comly continued to act as assistant clerk during the *whole* meeting, and long after this document, which was the germ out of which the new yearly meeting was to arise, was manufactured. You find a proposition came up to raise three thousand dollars for charitable purposes, (vol. 1, p. 70,) and that it was carried, and that the meetings raised their quotas and sent them in accordingly. Can it be pretended that a dissolution of the meeting had taken place, whilst the members, consisting of both these parties, were thus attending to its concerns and interests? Halliday Jackson, in vol. 2, p. 55, speaking on this subject, says:

“The business of the yearly meeting was proceeded in, and the usual subjects that occupy that body, such as considering the state of society, from the answers to the queries that are brought up from the different quarterly meetings in their reports, the reading of the minutes of the meeting for sufferings: reading reports from the committee who stood charged with the civilization of the Indians, and the report from the committee of Westown school, and some other matters which occupied the meeting through the week, which it is not necessary to mention: I cannot recollect all.”

In vol. i. p. 218, Joseph Whitall says, “The meeting proceeded with reading the epistles till they were gone through with, and then adjourned in a regular manner to the usual time next year, without one dissenting voice. Those who have since gone off in the secession, were generally present at the time of the adjournment. I believe the yearly meeting was as large and numerous at the last sitting, as at any sitting during the week.”

Now when you find these very men continuing in the yearly meeting throughout; objecting to some propositions, and approving of others, even after the document for the establishment of the new yearly meeting was in fact prepared; and when you find them attending, even on the very last day of the meeting, how can they possibly pretend that they considered that meeting as dissolved, and that its dissolution led them to prepare that document for the purpose of reviving and reorganizing it?

I now proceed to the schism which took place in the subordinate meetings: I will not go over the evidence in detail, for it is unnecessary to do so. We all well know that when there is a secession in the head, it is sure to extend itself through all the subordinate branches: and their position as to being the true society or not must depend on the head to which they have attached themselves. John Gummere, gives an account of the schism as it took place in the Burlington quarter. The orthodox adjourned to another place, and transacted business; those who remained behind appointed a clerk, and attached themselves to the yearly meeting, held in Green and

herry streets, by the "Hicksite" party. The simple fact of the members going to another place is nothing, but they would not transact business when persons were present who had not a right to be there, and such persons were present and insisted upon continuing. Now the party who attached themselves to the ancient yearly meeting, are the true members, and are to be considered as constituting the legitimate yearly meeting. In the Chesterfield monthly meeting you find that the "Hicksites" succeeded, and appointed a new clerk, and in the testimony of Josiah Gaskill, page 84, you have an account of this proceeding: they joined the Green street meeting and appointed their representatives; to this point you have also the testimony of Samuel Craft, 1st vol. page 339, and Samuel Emlen, page 324; also of James Brown. In vol. ii. page 23, he says, that Decow was appointed treasurer, after the separation between the two branches. He was then appointed by this new "Hicksite" preparative meeting—that the "Hicksite" preparative meeting joined the new Green street yearly meeting. In p. 322, the same witness says, that they have not considered themselves members of the Arch street yearly meeting since the year 1827.

Here then, is a division; the branches give in their adhesion to their respective heads, and they are to be judged accordingly. In the Chesterfield monthly meeting, according to Samuel Craft, persons were present who were under dealing. They could not be legally present when there was business going on, and therefore, the orthodox removed to another place to transact their business, and the opposite party remaining, joined the Green street yearly meeting. The court will find the view of the chief justice on this point in page 59:

"Upon the whole, I am brought, by the most careful, faithful, and minute investigation of which I am capable, to the result, that the Arch street meeting was, and the Green street meeting was not, the Philadelphia yearly meeting of the society of Friends.

"We are now too look for the consequences on the cause before the court. We have seen that every preparative meeting within the states of Pennsylvania and New Jersey, which is, through and by connecting links, connected with, and subordinate to, the yearly meeting of Philadelphia, is a preparative meeting of the people called Quakers; and any preparative meeting or assemblage of persons calling themselves a preparative meeting, not thus connected and subordinate, is not a preparative meeting of that people, within the meaning of their constitution and discipline, and within the meaning of the subscription to the school in the present use, or, in other words, the instrument whereby the trust fund was created. We have farther seen, that the preparative meeting having authority to appoint the treasurer of the school fund, is the preparative meeting of Chesterfield, connected with, and subordinate to, the yearly meeting of Friends of Philadelphia. We have seen that the preparative meeting whereby Stacy Decow was appointed treasurer,

was not, at the time of that appointment, connected with, and subordinate to, the Arch street meeting, but had previously disunited itself therefrom, and connected itself with the Green street meeting; and that, therefore, it was not the Chesterfield preparative meeting of Friends, at Crosswicks, meant and mentioned in the establishment of the school fund, and had not competent authority to discharge Joseph Hendrickson and appoint a successor.

“There is, then, no successor to the person named as treasurer in the bond and mortgage, and he has, consequently, the legal right to recover the money.”

In page 65, judge Drake observes: “Our inquiry now must be, whether each of these bodies is to be considered as the society of Friends, contemplated in this trust, or only one of them; and if but one, which is that one? And which yearly meeting represents it? For if there be but one society, and one yearly meeting which answers to the trust, the inferior meetings must follow the fate of those to which they stand connected. Every Friend is a member of this yearly meeting. It is the yearly meeting which overlooks, controls, and exerts a care over all that are in connection with it; which hears their appeals in the last resort; which preserves their uniformity in discipline, and in the maintenance of their peculiar testimonies; in a word, which identifies them as a body of Friends.” Now, although the judge in another part of his opinion, states, that if seceders are only mistaken in selecting the wrong head, he would with reluctance decide against them, yet he here states his opinion, that however reluctantly he might so decide, yet he would be under the necessity of deciding that they must be determined by their head: all they have to do in case they have selected the wrong head, in mistake, is to go back and submit themselves to their true allegiance. This position is supported by the opinion of lord Eldon, in the case already quoted; and in the case of the Purchase preparative meeting of New York, which was decided by the supreme court of that state. There the secession had taken place in the monthly meeting, and that determined the condition of the preparative meeting.

This must be so in the natural course of things. How else can they carry on the business of their society? Can there be meetings to which others are subordinate, and yet those meetings not be subject themselves to any subordination? There is one peculiar feature in the preparative meeting which deserves consideration. Its object is to prepare business for the superior monthly meeting. Now if it throws off its allegiance to that meeting, how can it serve its legitimate purpose of preparing business for it?

But, says the counsel, the preparative meeting has the control of the property, and in that respect it is independent of the monthly meeting. This is a mistake. We do not say that the monthly meeting has the control of the property; but we ask which is the preparative meeting to which it belongs, and which is it that submits to a

imate subordination. The true question is, not which meeting the control of the property, but which is the true preparative meeting entitled to such a control; and to ascertain that, we must find which adheres to the legitimate monthly meeting. An independent preparative meeting, is an anomaly in the society of Friends. In the case of Crowel at the suit of New Jersey, the presbytery had direct control over the property, but the members of the congregation were bound to submit to its legitimate control, though independent in matters of property. If it be the duty of the preparative meeting to prepare the business for the monthly meeting, and if the discipline points out precisely the method in which it shall be done, the meeting, if it attempt to set itself up as independent, cannot, of course, be in due subordination to the great federal head. You have only to declare that these lower meetings exist without subordination, and you will speedily destroy all church government; and all religion, and all morality, must soon follow in its train. You sow wind; your children may reap the whirlwind.

The gentleman tells us, in the next place, that the bill was not filed in court, on the ground of a breach of trust, and that they are in possession of the school-house. If they are rightfully in possession of it, as the true preparative meeting, they are unquestionably entitled to such possession, and also to all the school funds. But if they are not the true preparative meeting, a wrongful possession of the school-house can never furnish a basis in equity, for the recovery upon a bond and mortgage to which they have no title, and of which they are in possession at this present period. I apprehend there can be no pretence for considering Decow and his party to be the true preparative meeting.

Before I conclude, permit me to remark, that this is not a question of property; but of such a character that it is intimately linked with the religious institutions of the country. We contend that, as a judicial court, you have no right to pass upon the abstract merits of the doctrines of the society, but that it is your province only to ascertain what they are, simply as the characteristics by which a religious society is distinguished. Lord Eldon, and other judges, disallow any further right. But I am warranted by all the authorities which I find on this subject, in saying, that where institutions are founded on certain fundamental rules of church government, the members for the time being, have no right to change in essential particulars, so long as they are warranted by the laws under which they exist, and it is the duty of this court, whenever an effort is made by a many or the few, to break down the religious institutions to which property may be attached, to preserve those institutions inviolate, and to see that the views of their founders be carried into full operation. There is no other way to preserve our institutions; and if they be the handmaids of our government in fostering the morality of the country, if they gave you that important aid through all the various changes and revolutions you have passed through, in evil times

and prosperous times, in clouds and in sunshine, until you have been brought, through their instrumentality, to the high and honourable elevation on which we are now reposing, it is the duty of courts and judges, as it is of every good and virtuous man, to shield and protect them.

Allow me to cite a passage from the works of a man, whose long experience, and eminent talents, entitle his opinion to some consideration. "Depend upon it, the world cannot be held together without morals : nor can morals maintain their station in the human heart without religion, which is the corner-stone of human virtue." We have lately had a most striking proof of this sublime and consoling truth, in one result, at least, of the revolution which has astonished and shaken the earth. Though a false philosophy was permitted *for a season* to raise up her vain fantastic front, and to trample down the *christian establishments and institutions*, yet on a sudden God said '*Let there be light, and there was light.*' The altars of religion were restored, not purged indeed of human errors and superstitions ; not reformed in the just sense of reformation ; yet the christian religion is re-established, leading on to further reformation, and fulfilling the hope that the doctrines and practice of christianity shall overspread the face of the earth.

Lord Erskine was originally an advocate for the revolution he alludes to, and he only changed his views when he saw its errors and their consequences. The laxity which had broken out in the civil, went also deep into the heart of the religious institutions. He congratulated himself on the restoration of religion ; it was restored, but it was mangled and almost rendered inoperative. So it would be in this case, if the views which have been taken by the other side are to prevail ; if religion is to be built up by party influence alone, and by that party which happens to be the most numerous ; if numerical power is to be felt, and right forgotten, all safety must soon and finally desert us.

Look once again at the principle on which they have acted. The great democratic principle (and here they have addressed themselves to the prejudice of the court) is relied upon : the aged, the venerable and pious adherents of this society are to be neglected and forgotten ; the young are to be enlisted ; their prejudices excited, and their vanity flattered ; and they are to be told that they stand on the same pedestal as those whose years and long attachment to these institutions ought surely to entitle them to a less promiscuous consideration ; and, finally, to complete the scene of confusion, there is to be no subordination in the meetings, but each is to be independent of all the others. Can such a state of things be tolerated ?

If so, you may prepare to bid farewell to the religious establishments of your country.

The court adjourned.

Tuesday afternoon.

The following passages were read by Mr. SOUTHARD, after the conclusion of Mr. Wood's argument, and preceding that of Mr. Frelinghuysen.

I have endeavoured to make as short as possible, the extracts I have selected in reply to those brought forward by the opposite counsel.

Fox's Great Mystery, p. 595. "Q. Whether a believer be justified," &c.—Page 596. "Q. Whether Christ in the flesh be," &c.

2d. vol. Penington's Works, page 16. "What was that which saved," &c.—Page 19. "Can outward blood cleanse," &c.

Bayly's Works, page 122. "And we are taught, led, and guided by," &c.—Page 326. "Query 1. Whether there be any more saviours," &c.

Crisp's Works, page 160. "This light wherewith thou art enlightened," &c.

Barclay's Works, page 494. "The *body* then of Christ, which believers partake," &c.—Page 628. "As there was no need that the Jews should," &c.

Fox's Doctrinals, page 1006. "Now whereas the emperor of the Turks," &c.—Page 1007. "Jesus of Nazareth, a man approved of God," &c.

2d vol. Clarkson's Portraiture of Quakerism, pp. 212, 213. "From this new statement of the proposition," &c.

Whitehead's Divinity of Christ, page 96. "God *imputes sin* to none but *them in whom it is in being*; so he *imputes not righteousness* to any, but *them in whom it is*."

2d vol. Penn's Works, page 66. "Death came by *actual sin*, not *imputative*, in his sense; therefore, *justification unto life comes by actual righteousness*, and not *imputative*."

"But since men are to reap what they sow; and that every one shall be rewarded according to his works; and that none are justified but the children of God; and that none are children but who are led by the Spirit of God; and that none are so led but those that bring forth fruits thereof, which is holiness; *it is not the oil in another's lamp*, but *in our own only*, which will serve our turns; I mean, the rejoicing must be in ourselves, and *not in another*. Yet to Christ's holy power alone do we ascribe it, who works all our works in us and for us."

Christian Advices. "Introduction." The following extracts, &c.

"Memorials concerning deceased Friends, being a selection from the records of the yearly meeting for Pennsylvania," &c., published 1821.—Page 158. "Testimony of the monthly meeting of Philadelphia for the southern district," &c.—P. 159, 160. "Fifth month, 1815, a few Friends," &c.

Barclay's Works, page 294. "But to make an end, I shall add one argument," &c.

1st vol. Penington, page 11. "Is Christ in you, and shall he not hold the reins," &c.

1st vol. Penn's works, page 595. "How shall I be assured, that," &c.—Page 597. "Christ left nothing in writing," &c.—Page 268. "As for my being a socinian," &c.—2d vol. page 92. "First, then, he hath behaved himself," &c.

Claridge's Life and Works, page 414.

And here I will remark, that of one hundred and thirteen manuscripts, but one contains that passage, "The three that bear record in heaven," and of all the versions, it is contained only in the Vulgate.

Mosheim's Ecclesiastical History, page 294 of part second, new edition, "We believe the Scriptures," &c.

I shall also refer in the course of the argument to a fabrication by Anthony Bauget, and to another of Mr. Bates in 1823, not for what they contain, but for what they *do not* contain.

MR. FRELINGHUYSEN continued the argument on the part of the defendant.

May it please your honours. I entirely agree with the learned counsel who opened the cause on the part of the appellants, in the singular importance of this case. I regard it as involving the dearest interests of religion and social order. Principles, may it please your honours, are to be sustained or shaken, which lie at the basis of public harmony and personal security. Your honours have a high and sacred trust to perform. This forum is the last resort of truth. She casts her hopes upon your threshold. I have no doubt that you will weigh well her claims.

But if even truth cannot stand without invading the functions of *legislative* authority, let her fall. Better that she should fall, than that the great pillars of law and order should be thrown down. This doctrine, drawn from a volume of ecclesiastical reports, is a monstrous perversion of British law. It never furnished a pebble to the system which the American jurist delights to study. Why was it picked up here? Why was it brought forward at the opening of this case? What is it? It means that when the House of Lords find a defect of judicial power, they may draw upon their legislative department, and, when there is no law, make a law to meet the case. It means this or nothing. Sir William Scott, is reported to say, 4 Ec. Reps. 355: "It is not my business to advert to what would be the conduct of the House of Lords, or of a court of common law. The House of Lords do not sit merely in a judicial capacity, tied down by certain rules, but as a legislative body which has full power to act according to its *own wisdom*, &c."

It is a principle false in all its branches, as applied to the House of Lords, sitting as a court of law or of equity. The House of

Lords has no legislative authority, but in connexion with the House of Commons and the king. Such a notion would destroy all security, and certainty in our systems of jurisprudence, and subvert the very foundations of property and right. Every lawyer knows it would be a reproach on the British administration of justice. Those who have looked through the volumes of cases in the House of Peers, know that there is scarcely one case in a volume, in which the *deliberate*, well formed, decision of the chancellor is reversed. There is no doubt that some strange misapprehension has befallen the reporter of Sir William Scott's opinion, in this instance. In divorce cases, a peculiar power resides in the House of Lords; but Sir William Scott, could never have refused to acknowledge the House of Lords, as authority, because of its legislative functions.

I have no fears that the doctrine advanced by the opposite counsel, will prevail here. This court will be governed by the principles of law that prevail with the other tribunals of the state: and it will show that regard to these religious and charitable institutions which will satisfy the confidence of the age. I look to your decision as to the safeguard and palladium of their rights.

It is a painful incident that such issues as the one now presented for decision, should have arisen, from the dissensions of a society, which had for so many generations lived in harmony and love. This community of christians have been a peculiar people, in an emphatic sense. They have dared to be singular, not only in external appearance and deportment; but in many of their rules of social and civil conduct. They have been the friends of peace and liberty in the broadest meaning of those terms. Their motto has been to suffer wrong as it might be inflicted, and commit themselves to Him that judgeth righteously. Their only means of resistance have been the weapons of truth and conscience; their retaliation the law of kindness. Like their blessed master, they have, when reviled, reviled not again. Liberty with them has not been the watch-word for licentious misrule; but a deep, heart-felt principle, regarded as the birth-right of every son and daughter of Adam—as flowing directly from the great law of loving our neighbour as ourselves. And these doctrines of peace have been thorough: yielding to no pleas of policy, or suggestions of danger. Their rule has been to die rather than to kill, and, through good and evil report, through persecution, exaction, and imprisonment, they have in faithful and invincible firmness, adhered to the law of peace. When we have pressed them with military penalties, to drive them from their principles, they have meekly borne it all, suffered on, and answered our mulcts, by patient endurance of wrong.

But a spoiler has entered among this happy fraternity. At peace with all the world, he has kindled the flames of war upon their own borders. Here, while we have looked on and admired that system of social intercourse, that produced the fruits of so much tranquillity, and love and unity—here, around these altars, and by these firesides,

discord has reared her ugly crest; divisions, distrust, clamour, and separations, have broken in, and disturbed and distracted this once happy people. Well might the Orthodox Friend in the bitterness of his heart exclaim, in the emphatic language of holy writ, "these wounds are those which I received in the house of my friends."—There must then, be a cause for this sad reverse; no feeble influence, but strong reasons for such heavy and afflicting results. Peace could not have been broken, until something dearer than even peace itself demanded of the Orthodox Friends to make a firm stand.

Sirs, we propose to exhibit those causes, and to show to the court, that the exigencies of our society left no alternative—that the very principles that preserved us in tranquillity, required the interposition of the stern, but healthful discipline of the society. Here, however, we are met by obstacles that forbid all interference with the subject, or render any interposition worse than useless.

It has been said this is a question of property, and a prejudice has been excited against Friends, on the ground that for the sake of property they had broken the law of peace. My firm conviction is, that it is not property alone that is the main inducement to this controversy on either side. If money alone was involved, no legal steps would have been taken by either party, as I believe. Property! Is it for the paltry sum of two thousand dollars, that multitudes have continued here, week after week, and that researches into ancient folios and documents have been prosecuted till nature is almost exhausted! Property! Friends have paid ten fold more than the amount of this controversy for conscience sake. Our mere military exactions have amounted to more. Neither party regard it as a money question. It is a contest far above its range. Great principles are implicated and endangered. The foundations of the christian faith are assailed and shaken by the sentiments preached and avowed by the separatists. We make this assertion; and it is our duty to prove it. But we are told at the threshold, that it is beyond our power—that Friends have no creed—that they never acknowledged one—that the light within is their only guide. This is a most singular proposition. Is every man's conscience the test of its operation? Yes, it seems, this is the *summum bonum* of Quakerism. Then, every man who follows the dictate of his own inclination, no matter where it leads him, is correct in his conduct. But this I deny. Without something to inform us that it is the *true* light within, that guides us, it will be only a light that "leads to bewilder, and dazzles to blind."

If, as I shall strive to show, by the testimony of ancient Friends, some rules are given by which I can distinguish the true light from the false—if you give me some land-marks by which I may direct my course, then the light within will be a sure guide. Otherwise it will be an *ignis fatuus* to mislead and betray my conscience.

This word "creed" has been rung in our hearing in all its changes. Friends, it is true, have never headed a declaration of faith with this

word. They have never formed a technical creed—much less one by which they bound individuals to believe, under pain of temporal penalties: but they have made proclamations of their belief more frequently than any other religious society. Wherefore is the word so offensive? The episcopal church has a creed. The Dutch reformed has a creed. The presbyterian church has not: but it has its confession of faith. The word creed has been objected to by some denominations on account of the manner in which it was applied in Roman catholic times: but have not all religious societies had their fundamental doctrines? This is the plain question. We are all sinful, dying men. We profess a faith in some religious system. The doctrines and conduct that we believe lead to heaven, form our creed. What more have we done than spread these principles on the bill in chancery? Oh! they exclaim, you wish to bring Stacy Decow's *conscience up* to the line of your faith. All we have done is to declare our faith and that of ancient Friends, and to charge that the opposite party have departed from these essential and vital principles.

The learned counsel has objected to creeds, because they lead to the formation of sects, and has asserted, that Friends have rejected them, professing to be governed by the light within. In support of his views, he cited Barclay, pages 696 and 697, to show that the society of Friends was such as could take in the whole earth.

Barclay is, however, in this passage, only opposing sects as the followers of particular leaders, placing them in contradistinction to those who follow the faith and doctrines of Christ. He declares that "*they are a sect who adhere more to a man and his interests, than to the plain and simple doctrines of christianity. Those are not of a sect who follow the plain and simple doctrines of Christ.*" This is the gentleman's authority, and I submit that while it does not at all sustain the position for which he quoted it, it administers some wholesome reproof to the followers of Elias Hicks.

Another of his quotations is from Penn's Preface to Fox's Journal, page 15, in which it is declared, that "the light of Christ within is as the root of the *goodly tree of doctrines*, that grew and branched out of it."

Now these principles form our notions of a creed or system—a declaration of what Friends consider the plain and simple doctrines of Christ, or in words of equal import, the doctrines of christianity. We do not want the word creed. We have not said a word in our bill about "a creed;" but we have said much about doctrines: and we have named three fundamental points of doctrine, from which our opponents have departed.

The gentleman also cited Penn's Works, pages 744, 748, in support of his views. There Penn was writing as a controversialist. His controversy was with those who maintained a mere human creed of artificial composition and human interpretation. He opposed this, but at the same time maintained his own views of a creed, as expressed in Scripture language.

I beg the court to note the great point on which these controversies turn, and then it will be seen that the passages quoted by our adversaries, do not militate against us. The primitive Friends objected only to creeds which were not expressed in Scriptural language, and to creeds which imposed penalties on those who could not receive or submit to them.

Penn and Barclay always regarded faith and doctrines as important, and never hesitated to give the particulars of their belief. But when we seek to know what our opponents believe, they speak in indefinite terms. "They believe the Bible," they say: and the learned counsel drew an ingenious argument from this declaration. As they believed in the Bible, he argued, they must believe in Barclay's Catechism, which is made up of passages from the Bible. Of course they believed in the part, if they believed in the whole. The counsel might say so: but his clients would not. Abraham Lower would not say so. Nor Stacy Decow, nor Elias Hicks.

To say you believe in the Bible, leaves the question unresolved. All say this, but downright infidels. What does the Bible teach, what does it enforce, and what does it prohibit? are the material, distinguishing inquiries.

There is not a unitarian church in the country in which you will not find the Bible on the desk—in which they do not read from it—in which they do not speak of God, and with reverence and admiration of virtue. Yet when questioned as to *what* they believe, you find they believe in nothing essential to christianity. When they reject the great doctrines of the divinity of the Saviour, the atonement, and the inspiration of the Scriptures, what remains to be received or rejected?

The Jews believed the Bible. They read it in their synagogues every sabbath-day. They carried parts of it about with them on their persons: and yet crucified the very being, to proclaim whose coming, and power, and work of redemption, the Bible was given.

They tell us the society of Friends have no creed. The ancient members of the society were imprisoned on account of their faith. They have been brought before kings, and emperors, and compelled to give a statement of their belief: they have repeatedly put forth clear and full declarations of their faith, and yet, in the nineteenth century, we are told that Friends have no creed.

The book of discipline makes it a duty to inquire periodically, if ministers "are sound in word and in doctrine." And yet we are told they have no creed. Every man is to believe as he lists, without a leader, or guide, or system!

The principal part of the argument of the learned counsel has been to show, that Friends never required a belief in particular doctrines on the part of ministers or members—that if a man's life was right, that was all that was required. Our inquiry will be directed point-blank to the consequences which thence follow, and we shall show the "Hicksites" are wrong.

I use the word "Hicksite," not in an invidious sense, but by way of distinction, and because Elias Hicks himself approved of the term. He said, such a one was a good "Hicksite;" and one of his adherents declared, that the name "Hicksite" would, in time, become as respectable as the term Quaker.

The learned counsel, to show that Friends have no creed, affirm that their declarations of faith have always been expressed in Scriptural language. Grant this, does it prove no creed? In what better clothing could they exhibit their faith? I am not theologian enough to decide positively what is best, on a question like this, but it seems to me, that the safest and clearest exhibition of a man's belief, may be expressed in Scripture language. For example: It is declared in Scripture that "there are three that bear record in heaven, the Father, the Word, and the Spirit, and these three are one." In what better form can the doctrine of the *three in one be expressed*? While we adhere to Scripture phrases, we have the best truth in the best language. We know as grammarians, that the English Bible is the best composition in the English language. Is it then matter of imputation, that Friends should express their faith in Scriptural phrases? The separatists may, if they can, furnish us with a better lodgment for truth.

The gentleman has spoken of Barclay's Catechism, as a mere generalization of truth, from which nothing could be inferred in regard to particular doctrines. I have looked through a part of this volume, and, so far from finding it indefinite, I have found the questions, themselves, affirmative. Take, for example, these questions and answers, p. 10.

"Q. For what end were the Scriptures written?"

"A. For whatsoever things were written aforetime, were written for our learning, that we, through patience and comfort of the Scriptures, might have hope.

"Q. For what are they profitable?"

"A. Thou hast known the Holy Scriptures, which are able to make thee wise unto salvation, through faith which is in Christ Jesus. All Scripture is given by inspiration of God, and is profitable for doctrine, for reproof, for correction, for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works."

What more emphatic declaration of the inspiration of Scripture could we have? This is what is taught their children.

The next question is a corollary from the third answer.

"Q. Wherein consists the excellency of the Scriptures?"

"A. Knowing this first, that no prophecy of the Scriptures is of any private interpretation. For the prophecy came not in old time by the will of man, but holy men of God spake as they were moved by the Holy Ghost."

So page 7, the first question.

"Q. These are very clear, that even the world was created by

Christ: but what Scriptures prove the divinity of Christ, against such as falsely deny the same?

“A. And the Word was God.

“Whose are the fathers, and of whom, as concerning the flesh, Christ came, who is over all, God blessed for ever. Amen.

“Who being in the form of God, thought it no robbery to be equal with God.

“And we know that the Son of God is come, and hath given us an understanding, that we may know him that is true, and we are in him that is true, even in his Son Jesus Christ; this is the true God, and eternal life.”

Here is a plain affirmative.

So in page 10, first question.

“Q. What are the glorious names the Scripture gives unto Jesus Christ, the eternal Son of God?

“A. And his name shall be called, Wonderful Counsellor, the Mighty God, the Everlasting Father, the Prince of Peace.

“Who is the image of the invisible God, the first-born of every creature.

“Who being the brightness of his glory, and the express image of his person (or more proper according to the Greek, of his substance,)

“And he was clothed with a vesture dipped in blood; and his name is called the Word of God.”

So in page 14, first question.

“Q. After what manner doth the Scripture assert the conjunction and unity of the eternal Son of God, in and with the man Christ Jesus?

“A. And the Word was made flesh, and dwelt among us (and we beheld his glory, the glory as of the only-begotten of the Father) full of grace and truth.

“For he whom God hath sent, speaketh the words of God; for God giveth not the Spirit by measure unto him.

“How God anointed Jesus of Nazareth with the Holy Ghost and with power, who went about doing good, and healing all that were oppressed of the Devil; for God was with him.

“For it pleased the Father that in him should all fulness dwell.

“For in him dwelleth all the fulness of the Godhead bodily.

“In him are hid all the treasures of wisdom and knowledge.”

Here is a principle affirmed which will carry us through all that pile of tomes now before us, in regard to the internal light and the body of Christ.

I shall now refer to the introduction to the Discipline for a recognition of this great truth that the Friends have the same doctrines—the same fundamental doctrines that they had in the days of Barclay. The extract I shall give commences on page 2.

“For this important end, and as an exterior hedge of preservation to us, against the many temptations and dangers, to which our situa-

on in this world exposes us, the following rules have been occasionally adopted by the society, and now form our code of discipline. In the exercise whereof it is to be observed that, if any member be found in a conduct subversive of its order, or repugnant to the testimonies which we believe we are entrusted with for the promotion of truth in the earth, it becomes our indispensable duty to treat with such, in meekness and brotherly compassion, without unnecessary delay or improper exposure; according to the direction of our Lord to his church, 'if thy brother shall trespass against thee, go and tell him his fault, between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses, every word may be established. And if he shall neglect to hear them, tell it to the church; but if he neglect to hear the church, let him be unto thee as a heathen man and a publican.' -Matt. chap. xviii. 15, 16, 17."

If the court please, another obstacle to be removed, is in part disposed of by this passage. There is an endeavour to fasten on Friends, that they do not believe in the great doctrines of the divinity of the Saviour, the atonement, and the inspiration of the Scriptures, as other christians believe in them. Their numerous extracts may serve to embarrass and confuse the subject; but they have not, and they cannot sustain what they affirm: and the whole scope of the writings of ancient Friends, when carefully examined, and candidly considered, abundantly sustain the soundness and purity of their faith and doctrines.

It was an early charge against them, that Friends were disbelievers in the trinity: but I hope to show the court, that, with the exception of human language, they hold this great doctrine as christians have always held it.

Take William Penn's language. Arguing with an opponent he asks, "Are these three persons three essences?" He replies, there cannot be three essences in the Godhead. And I venture to say, there is not a trinitarian in the world, who believes the three persons are three distinct essences. Are they then, he asks, three distinct subsistences, as A. B. and C. are distinct. This, he replies, cannot be. And I add, that no trinitarian ever conceived that the doctrine of the trinity involved the belief of three distinct subsistences, as A. B. and C. are distinct. Why then use the word "*person*." Why maintain it, when it begets so much controversy? The answer is, that while it is necessary to preserve the idea of the unity of the Godhead, it is equally necessary to preserve the idea of the distinction of the trinity in the Godhead. I agree most heartily, to the necessity of the distinction; and that it lies at the foundation of all human hope. Without this, there could be no covenant between the Father and the Son, for the redemption of man. Without this, there could be no eternal covenant between the Father and the Son, as to the means by which this redemption should be effected. No Holy

Spirit to send into our world, to enlighten the soul ; to sanctify the heart, and prepare it for heaven.

In all these great doctrines, the Friends believe ; and they are all consistent with the doctrine of the light within, so far as the light within is ascribed to the operations of the Holy Spirit.

Who then, can charge it on Friends, that they disbelieve the doctrine of the trinity. To blot it out, would be to blot out the hope of the world.

I am perfectly willing to admit that some passages fell from Penn, that are liable to be construed in another sense. But it should be recollected that Penn wrote as a controversialist, while smarting under the wounds of a cruel persecution. He was not preparing a catechism for his children, but arguing against a set of controversial terms, that would have destroyed the unity of the Godhead. The Friends believe there are three ; the Father, Word, and Spirit : that each is God, and that the three are one. They resist the use of human terms ; but ascribe all the attributes, powers, and existences to each that we do, as fully as if they used our terms. For example, to the Father they ascribe creative power. To the Son, the power to redeem us from sin and death. To the Holy Spirit, the power to sanctify us, and prepare us for heaven ; and they admit these, as distinct exercises of power. They believe that the Son took our nature, was miraculously conceived, and died for our sins.

The gentleman has cited passages from pages 397, 423, 463, and 555, of Fox's Great Mystery, in all which it is denied that there are three *persons* in the Godhead : but this we conceive to be in the same sense as that in which Penn denies that there are three incommunicable essences, or three distinct subsistences in the Godhead. Even Penn himself, on pages 151 and 152, uses the word trinity, and professes a willingness to adopt it, with the qualifications already intimated. A single reference to the discipline, will put beyond all doubt, the belief of the society of Friends, as to the divinity of the Son. It is said on page 100 :

“We tenderly and earnestly advise and exhort all parents and heads of families, that they endeavour to instruct their children and families in the doctrines and precepts of the christian religion, as contained in the Scriptures ; and that they excite them to the diligent reading of those excellent writings, *which plainly set forth the miraculous conception, birth, holy life, wonderful works, blessed example, meritorious death, and glorious resurrection, ascension, and mediation, of our Lord and Saviour Jesus Christ ; and to educate their children in the belief of those important truths*, as well as in the belief of the inward manifestation and operation of the Holy Spirit on their own minds, that they may reap the benefit and advantage thereof, for their own peace and everlasting happiness ; which is infinitely preferable to all other considerations.”

How can it then, with any shadow of fairness, be imputed to Friends, that they have denied the divinity of the Son. He is, they

proclaim, the mediator. He has effected our ransom. He has paid the price for man's redemption.

If I had no other cause for congratulating myself on my being employed in this cause, I should find it in this: that it has corrected many prejudices that I had cherished towards this worthy people. The present investigation has satisfied my mind of the purity of their faith, in the prominent and fundamental doctrines of the christian religion.

I would say a word on the subject of Scripture language being the only style employed by the society. The learned counsel, can, I conceive, never have read Sewel's History, or he must have forgotten it: otherwise he would not have asserted that Friends' declarations of faith, have always been made in the *language* of Scripture. The declaration drawn up in 1689, is in the language of that day; and permit me to add, in a language of human construction too, not surpassed for clearness, simplicity, and energy, by any other exposition of christian principles. It has besides, all the qualities of a creed, and the form of a creed, beginning every paragraph, or almost every paragraph, with the phrase, "We believe."

But we do not rest on these testimonies alone. We bring living witnesses, members of the society, born such, educated in its faith, of exemplary life and conduct. We bring experienced ministers forward. They testify that these doctrines have always been believed in the society, and that the denial of them has always been regarded as a ground for disownment. Is not this natural and reasonable evidence.

Suppose the doctrines of any other sect were disputed? What course would be pursued? Suppose the doctrines of the presbyterian church were in dispute. We have certain standard works to which we should refer: and if these were found to be not conclusive, should we not summon the leading ministers of that persuasion to declare what its doctrines are? In the Perth Amboy case, to which we have already referred, this was actually done. Dr. McDowell was summoned to give testimony, and the chief justice expressed his great satisfaction with the statement made by that worthy minister.

We are told Friends have no creed, and yet here is a catechism which embodies nearly every article of faith, in the preparation of which Friends may well be thought to have weighed every word, and to have prayed over every page. This was to be the guide for their children, and the standard for every sincere and pious Friend.

Besides living witnesses, we have produced to your honours, ancient and accredited writers who have expounded the doctrines of the society—such as Barclay and Fox, who have always been regarded as standard authorities.

But, for us who are not theologians, this discipline must be the most satisfactory guide, for this is the running out of principles into

their practical bearings. This is the polar star of every Friend, to which, when he wanders, he must return.

It is as sound an exposition of faith as any christian society can show. It is great injustice to ascribe to Friends the denial of the Scriptures, or the miraculous conception, the divinity, or mediation and atonement of the Saviour. He is no root out of dry ground to them, as he is to Elias Hicks and to every unitarian. He is to them the glorious Lord and Saviour Jesus Christ, who was miraculously conceived, and in our nature suffered for our sins, that he might make atonement to God.

No son of Joseph! No, it is the blessed truth that the *Son of God* came and assumed our nature, and brought redemption to sinners.

In page 23, the Discipline brings it to a still more practical bearing.

“If any in membership with us shall blaspheme, or speak profanely of Almighty God, Christ Jesus, or the Holy Spirit, he or she ought early to be tenderly treated with for their instruction, and the convincement of their understanding, that they may experience repentance and forgiveness; but should any, notwithstanding this brotherly labour, persist in their error, or deny the divinity of our Lord and Saviour Jesus Christ, the immediate revelation of the Holy Spirit, or the authenticity of the Scriptures; as it is manifest they are not one in faith with us, the monthly meeting where the party belongs, having extended due care for the help and benefit of the individual without effect, ought to declare the same, and issue their testimony accordingly.”

And yet Friends are denied to be trinitarians! To speak profanely of either the Father, Son, or Spirit, to deny the divinity of the Lord and Saviour Jesus Christ, or to deny the inspiration of the Holy Scriptures, is an offence which renders the offender liable to disownment. And yet Friends have no creed—no belief! and worse than all, reject all these great truths!

Nothing is so liberal as infidelity. That spirit which tramples in the dust the Bible and the Saviour it reveals, cares not what men believe so they will leave its votaries quiet in their sins. This delusive liberality exists not with Friends. Human testimony is referred to in vain if this momentum of evidence does not show that this society is sound in the faith.

The mere external necessity of a Saviour is not all they contend for. He is the light of the world, and the life of man. This doctrine of Christ, the light within, they do not divorce from the doctrine of Christ without. Some of their opponents, on the contrary, did divorce them in principle. Friends, then, endeavoured to show them their error, and it is very possible that, in the heat of controversy, both went into extremes: but expressions evidently dropped in moments of excitement, cannot prove that the faith of the society was unsound.

Before I take up other of the learned gentleman's references, I

g leave to make one general remark. All, or nearly all his quotations are from works which are nearly two hundred years old. They are nearly all from books written between the years 1600 and 1700. Great allowances should be made for the age. It was a time when the spirit of controversy was carried to extremes. We cannot make up a writer of that day who was not infected with it. The writers of the society of Friends had suffered greatly from persecution. Some of them were imprisoned for opinion's sake. They wrote while smarting under these wrongs, and sometimes with the view of refuting and confounding an adversary, rather than of establishing a system. This was especially the case with Penn. He was imprisoned for his "Sandy Foundation Shaken," and afterward came out with explanations in his "Innocency with her Open Face," which show that if he had been tried first on the ground of his real opinions, he would not have been imprisoned. So was Bunyan imprisoned, and so were many others. Penn wrote to silence his persecutors. He did not deliberately write a system of faith, or a catechism for the use of his children.

We are not to forget that these are fallible men, and then the only marvel will be that, in all this mass of folios, more objectionable matter has not been found, by detaching a passage here, and a clause there. Why, no system could stand such a trial. The gentleman has brought forward books of all sizes, from the ponderous folio to the little volume of the spelling-book size, and yet how few inconsistencies has he been able to detect.

Herein we have evidence of the good sense of justice Drake, who declared that, to decide this cause, it was not necessary to go back to the seventeenth century, to ascertain the faith of Friends. It was enough, he said, to ascertain the prevailing faith, when this trust-ind was created.

I doubt if any other church could stand such an ordeal as that to which ancient Friends have been subjected. I am sure the presbyterians could not. I could bring you the writings of presbyterians who declare that when the child is born, it is not a sinner, and only becomes so when motives begin to operate on it. I can bring you antinomian presbyterians, men who have fallen into the very error which Penn denounces. I can bring you socinian presbyterians, men that have gone quite as far as Elias Hicks. But what regard could be paid to these, when the question is, what is the presbyterian faith? Shall we consult these, or the confession of faith and the prevailing sentiments of its members to ascertain the religious doctrines of this body of christian worshippers?

Now I will show from some of the references of my learned friend, that a great many of his extracts are susceptible of a different explanation from that which he has given to them. From Penn's writings, the gentleman has quoted several passages, the true object of which is, as is evident from the context, to show that profession without works, is a vain dependance: that any religion imported

little, if it did not make the heart better. His distinct object was to bring into operation a purifying faith. It was not his object to show that no reliance ought to be placed on the atonement, and the sacrifice on Calvary. We all know that, notwithstanding all our Saviour did, all the agony he felt, all the life he poured out, it is still necessary for man to live a life of righteousness. "If a man loves me," says the Saviour, "he will keep my commandments." Penn wanted to convict a heretic of the error of his way, and bring him back to *truth* and duty.

The court will see that his opponents had charged on Penn, that he had denied the divinity of the Saviour. What does he say in reply, take my words in *my sense*, not according to your interpretation. And if you take his words in his own sense, you find his doctrine to be sound theology. There cannot be complete justification without sanctification, without that faith which works by love, and purifies the heart.

The gentleman has attempted to show by other extracts, that some ancient Friends rejected the trinity, and that others did not believe there was any mystery at all in it. If there were any such ancient Friends, they did not take the Scriptures for their guide, for it declares that "great is the mystery of godliness." But what if some of the books did reject the doctrines for which we contend, would that prove that it was rejected by the society? There may have been heretics then as well as since. When our Saviour came on earth, he had a very little family, only twelve apostles, and one of them turned traitor. On this ground the gentleman might assail the doctrines of the Saviour as unsound.

George Fox is by them again enlisted in a service, which, I have no doubt, if the old man was here, he would be very reluctant to engage in. They cite page 397. When the court look at it, and compare it with what precedes and what follows, they will perceive that he was urging the same argument as William Penn. The court will see from the illustration, what heresy he is contending with.

George Whitehead is pressed into the same train. In his treatise on the divinity of Christ, they cite against him the appearances at the baptism of the Saviour. He goes on to say, that on the principle assumed by his antagonists, there must be five persons in the Godhead. The whole passage shows that his belief was the same as that of other Christians. His fear was, that the doctrines of his opponent would swallow up the blessed doctrine of the unity of the Godhead.

Penn, whom they have cited here, gives them little support. Hear his language, on page 264 of the first volume of his works: "Mistake me not, we never have disowned a Father, Word, and Spirit, which are ONE, but men's inventions."

Is it not a happy combination of the trinity and unity? Speaking of Father, Word and Spirit, he declares that their wisdom and their

ver is the same. He is, when understood, as sound in the faith
ny writer that can be adduced.

n Evans' Exposition, pages 43 and 44, there is a passage to which
ill call attention to show that this belief is consistent with what
aintained in other parts of Penn's writings :

n his reply to Jonathan Clapham, I find the following, viz :

'Thou must not, reader, from my querying thus, conclude we do
y, (as he hath falsely charged us,) those glorious three which bear
ord in heaven, the Father, Word, and Spirit ; neither the in-
ly, eternity, and divinity of Jesus Christ, for that we know he
ne mighty God ; nor what the Father sent his Son to do, on the
alf of lost man ; declaring to the whole world, we know no other
e by which atonement, salvation, and plenteous redemption
es ; but by his name, are, according to our measures, made sen-
e of its mighty power.'"—Works, vol. ii. p. 14.

'Again to Jonathan Clapham's charge, that the Quakers openly
y the doctrine of the trinity ; after declaring this is not a Scrip-
e phrase, but an invented term, Penn proceeds : 'Yet if by
ity, he understands those three witnesses in heaven, Father,
rd, and Spirit, he should have better acquainted himself with
at we disown, than ignorantly thus to blaze abroad our open denial
what we most absolutely credit and believe.'" Ibid. p. 18.

This was written in 1668. Now, the court will perceive that
paragraph reconciles all difficulties. When the court carries out
argument in the Sandy Foundation, it will find that what he was
tending with, was the doctrine of the three persons as three dis-
t subsistencies. This he himself declares in a letter to Dr. John
lenges, who had taken some exceptions to the Sandy Foundation
ken, from which I will trouble the court with a few extracts :

'The matter insisted upon, relating chiefly to us, on this occasion,
, that we, in common with socinians, do not believe Christ to be
eternal Son of God ; and I am brought for proof of the charge.
this hath been already answered, that my book, called 'The
dy Foundation Shaken,' touched not upon this ; but trinity and
arate personality, &c. But this will not serve thy turn, thou must
h accuse us, and then wring and rack our books to maintain it. I
e two things to do ; first, to show I expressed nothing that di-
ted Christ of his divinity ; next, declare my true meaning and
h in the matter. I am to suppose, that when any adversary goes
ut to prove his charge against me, out of my own book, he takes
t which is most to his purpose : now, let us see what thou hast
en out of that book, so evidently demonstrating the truth of thy
ertion. I find nothing more to thy purpose than this, that I deny
inity of separate persons in the Godhead. Ergo—what? Ergo
William Penn denies Christ to be the only true God ; or that
rist, the Son of God, is from everlasting to everlasting, God. Did
r man yet hear of such argumentation ? Doth Dr. Collenges know
ic no better ; but (which is more condemnable in a minister,) hath

he learned charity so ill? Are not trinity and personality one thing, and Christ's being the eternal Son of God another? Must I, therefore, necessarily deny his divinity, because I justly reject the popish school personality? 'This savours of such weakness, or disingenuity, as can never stand with the credit of so great a scribe to be guilty of.'

William Penn then instances the cases of Paulus Samosatenus, and Sabellius, and proceeds to give the following declaration of his faith. "And now I will tell thee my faith in this matter: I do heartily believe, that Jesus Christ is the only true and everlasting God, by whom all things were made, that are made, in the heavens above, or the earth beneath, or the waters under the earth; that he is, as omnipotent, so omniscient, and omnipresent, therefore God. This is confessed by me, in two books, printed a little before the Sandy Foundation Shaken, viz: Guide Mistaken, page 28, and Truth Exalted, pages 14, 15; also at large, in my 'Innocency with her Open Face.'"

"What dangerous inquiry, and wanton curiosity is that, which cannot set down with this Scripture definition: there be three that bear record in heaven, the Father, the Word, and the Spirit? It is more truly religious, if not to deride, at least to reject, human inventions and pagan philosophy, the chief ingredients that make up the school definitions; and acquiesce in the naked text of holy writ, unless the comment were more clear and unquestionable: clear it is not, and for unquestionable, the present protestant nation call it popery; as if it were an infallible mark of sound doctrine, to cry up the fallibility of all doctrine; a piece of new-fashioned divinity that is not two removes from atheism."

"He that would not have me mistaken, on purpose to render his charge against me just, whether it be so or no, may see in my apology for the Sandy Foundation Shaken, that I otherwise meant, than I am characterized. In short, I say, both as to this, and the other point of justification: that Jesus Christ was a sacrifice for sin, that he was set forth to be a propitiation for the sins of the whole world; to declare God's righteousness for the remission of sins that are past, &c. to all that repented, and had faith in his Son. Therein the love of God appeared, that he declared his good-will thereby to be reconciled; Christ bearing away the sins that are past, as the scape-goat did of old, not excluding inward work; for, till that is begun, none can be benefited, though it is not the work, but God's free love that remits and blots out, of which, the death of Christ, and his sacrificing of himself, was a most certain declaration and confirmation. In short, that declared remission, to all who believe and obey, for the sins that are past; which is the first part of Christ's work, (as it is a king's to pardon a traitor, before he advanceth him,) and hitherto, the acquittance imputes a righteousness, (inasmuch as men, on true repentance, are imputed as clean of guilt as if they had never sinned,) and thus far justified; but the completing of this, by the working out of sin

herent, must be by the power and spirit of Christ in the heart, destroying the old man and his deeds, and bringing in the new and everlasting righteousness; so, that which I writ against, is such doctrine as extended Christ's death and obedience, not to the first, but to his second part of justification; not the pacifying [of] conscience, as to past sin; but to complete salvation, without cleansing and purging, from all filthiness of flesh and spirit, by the internal operation of his only power and spirit."

What can we desire better than this, for episcopalians, methodists, presbyterians, or any other christian denomination? What better with than this, can we desire, to live by and to die by?

Page 45 of George Whitehead has been quoted by them, to throw doubt over his belief in the atonement of Jesus Christ, but they gave us only a part of a sentence, and the words immediately following in connexion with it, if read, would have explained his meaning.

William Bayly has been cited by them, pages 114, 115, 117. I know not for what purpose; for, as I heard it, I know not that anything would go further towards establishing the doctrine of the divinity of the Saviour. In pages 142 to 144, of Evans' Exposition, we have the sentiments of William Bayly, viz:

"In a work entitled, 'Rebellion Rebuked,' written by this Friend and John Crook jointly, the following language is used:

" 'We believe and testify, that this Jesus of Nazareth wrought out, or fulfilled all righteousness in his obedience both in doing and suffering the holy law and will of God, and that this righteousness, so wrought out and fulfilled, was not for himself, but for or because of, all such as truly seeing they have no covering or righteousness of their own, flee unto and lay hold of him and his everlasting righteousness, by a true and living faith. And we do further testify, that his choice raiment of Christ's righteousness, is not brought forth and put upon the back of any prodigal, while he remains in a far country, feeding amongst the swine, but at, or upon, his return to his father's house. And such poor, naked, starved, and undone sinners, as in themselves, seeing their own righteousness to be as a filthy thing, are the proper subjects of this righteousness, as being now made meet to be partakers of it.'—[p. 19.]

" 'We believe and testify, that this blood exceeds not only the blood of bulls and of goats, but the blood of the best man or men that ever was or shall be in the world. And we do in the sight of God really own the blood of the Son of man, both according to the history and in the mystery, (as we do his cross,) both as shed for us, and to be drank by us, both as bespeaking remission of sin past brought faith in it, and as sprinkling the conscience of true believers, and cleansing them from all sin. Therefore it is called the precious blood of Christ, as being of an incorruptible nature, 1 Pet. i. 18, 19, and is therefore said to speak better things than the blood of Abel,

being by way of emphasis, called the blood of his dear Son, &c. and is also called a price; 'yea, ye are bought with a price.' 1 Cor. vi. 20. By all which it is manifest to be of infinite value, both in the account of God, and all those that know it, by being witnessess of its virtue, sprinkling their hearts from an evil conscience. Heb. x. 22. But because we testify, that it is not the notion, or bare historical and literal belief of those things, that justifies or makes us really free from that wrath which comes upon every soul of man that doeth evil, whether Jew or gentile, professor or profane; but only the life and virtue of this blood, received into the heart by that living faith, which Christ alone is the author of; therefore we are branded with slighting the blood of the man Christ, &c. though we testify our esteem thereof, both in the history and in the mystery, and that without the life and virtue of this blood there is no remission.'—[p. 20.]

“ ‘And be it known to thee and all the world, that the Quaker owns no other righteousness to be justified by, but the righteousness of Jesus Christ; the righteousness which is of God by faith in him, according to the Scriptures of truth; nor no other name under heaven by which men can be saved, whatever any of you dream of them; and yet they desire that those gifts and virtues which the Spirit of God works in their minds, may stand and be increased, according to that good exhortation, 2 Pet. i. 5. ‘Add to your faith virtue, and to virtue knowledge, and to knowledge temperance, &c. for he that lacketh these things is blind.’ ”—[p. 37.]

“ To the same opponent, he says:

“ ‘How darest thou say that I called the light, the blood of Christ, or the blood that cleanseth, as in the 139th p. of thy book? Let the reader see that 43d p. of my book thou quotest, where my words are these: But the precious blood of Jesus Christ, as of a lamb without spot and blemish. 1 Pet. i. 18.’ ”—[p. 107.]

The gentleman quoted page 122 of the first volume of Penn's Works. This is a precious morsel:

“ In reverence to God, the Father of light and spirits, the author as well as object of all divine knowledge, faith, and worship, I do for me and mine, declare and establish for the first fundamental of the government of this country, that every person that doth or shall reside therein, shall have and enjoy the free profession of his or her faith and exercise of worship toward God, in such way and manner as every such person shall in conscience believe is most acceptable to God: and so long as every such person useth not this christian liberty to licentiousness, or the destruction of others, that is to say, to speak loosely and profanely, or contemptuously of God, Christ, the Holy Scriptures, or religion, or commit any moral evil or injury, against others in their conversation: he or she shall be protected in the enjoyment of the aforesaid christian liberty by the civil magistrate.”

This wanted something to give plausibility to the heresies of Elias

Hicks, who had said in regard to the blood of Christ—that it would be disgraceful to trust for salvation to the blood of a man, shed out of the gates of Jerusalem: but none of these gentlemen give any countenance to his destructive errors.

Court adjourned.

Wednesday morning.

MR. FRELINGHUYSEN resumed :

I was proceeding, at the adjournment of the court, to show the substantial consistency which existed between the views of the ancient Friends, as exhibited in the extracts, and the opinions of the great body of the society as maintained at the present day. I hope I satisfied the court in relation to this subject, that similar imputations were made against the society by its adversaries, in the days of their first writers; that some distinguished writers suffered imprisonment on account of them; and that Whitehead, Bayly, and Penn, in the years 1680 and 1690, came out and met those objections which had grown out of the wrong interpretation of their writings, and in consequence of which they had been calumniated and persecuted. They begged their oppressors to look at the true meaning of their expressions, and to refrain from placing constructions upon them which were not only forced, but directly at variance with the opinions which they themselves maintained, and were desirous to promulgate. And yet, in this distant day, we have again the painful spectacle exhibited of a recurrence to matters which run back beyond the memory of man, for the purpose of casting doubt upon the principles and doctrines of this society.

Before I proceed further, and in order to satisfy your honours that it was only a wise caution which induced the Friends to clothe their doctrines in Scripture language. I would refer to Stackhouse, 1st volume, page 189. From him we learn that the precise word to be used, was matter of long discussion, and that "*persons*," was at last adopted, as least exceptionable and dangerous. It was, at most, a qualified employment of a *human* phrase. The Friends were afraid of this. They felt that the trinity was a deep and mysterious subject; that a finite mind could not grasp all its infinite and incomprehensible glories; and they, therefore, preferred, that it should be professed by their society, in the words of the Spirit, without human qualifications or explication.

And could there be stronger reasons wanted, wherefore they did not resort to human language? If my conception cannot reach the sublime mysteries of the Godhead, can language bring them down to my apprehension? Is it not safer to receive the glorious truths as God himself has given them? The Friends have deemed it safer to let revelation use its own language.

The word *person* is of mere human institution, the result of long conference. But the simple-minded Quaker followed the beautiful guides which were laid down for him in holy writ; he subjects the pride of his reason to the wisdom of his maker, and bows in humble adoration to his revelations. There might have been less controversy, dissension, and persecution, amongst mankind, if all other christian societies had pursued the same course.

It is further alleged against us, on the authority of Penn, that the society do not agree with the prevailing sentiments of christians, as to the divinity of our Saviour. Penn denies that this *body* is Christ. The error against which he directed his argument, was an unscriptural apprehension of the nature of Christ's sufferings in *his body*, on the tree. Penn feared that many regarded it as an effectual ransom for them, without respect to the spiritual fruits of repentance, faith, and holiness, that it should produce. They made everything of that body. The antinomians looked to this as that by which all their sins were to be washed away, and they therefore, regarded it with the most idolatrous reverence. Why, says Penn, I admit that Christ combines both God and man; but if you say that this *body*, (as distinctly considered,) is Christ, I deny it.

Elias Hicks says, that the crucifixion of Jesus Christ, was a *legal* atonement for the legal sins of the Jews. His proud imagination could not reconcile the idea, that he who died as a common malefactor on the cross, and in whom there was no form nor comeliness, could be the heaven-born redeemer of the fallen race of man. His haughty spirit could not bear it, and he, therefore, looks upon it as a typical sacrifice; and Penn meets the abomination. He regarded him as he stood there, in that wonderful union of divinity and humanity; God and man in one person.

This is sound theology, and sound philosophy too. Man is composed of body and spirit. When the spirit of man takes its flight, we look at his decaying body as the sad *remains* of the friend whom we have loved, or the brother to whom we have been bound through life; but is the *man* any longer there? When the eye was bright, when the mysterious union which existed between body and soul, (for of all created beings, we are, indeed, most fearfully and wonderfully made,) was unbroken, there was my friend or my brother. But when the spirit returned to God who gave it, the mere perishable form of the mortal man is left behind. So says Penn: this *body* alone is not Christ; but that same body being united in one mysterious person of God and man, *is* my God and my Saviour. The same blessed Being, who tried the faith of unbelieving Thomas, and whom Thomas was constrained on the view of the prints of the nails and the spear, to acknowledge as his Lord and his God.

Again, they go on to 2d vol. of William Penn, page 161, 162:

“But their most admirable secret of all is, that God descended with his body in the shape of a man, and dissolved himself into the virgin's womb, and so brought forth himself a man; who, after he

lived to such an age, was crucified, and really died, or ceased to be either God or man for three days and nights.—T. S. T. p. 23 30.

‘That this is in three particulars highly inconsistent with Scripture I prove:

‘First, God did not so transmute his divine nature into fleshly mortal nature.

‘1. ‘Your father Abraham rejoiced to see my day: then said the Jews unto him, thou art not fifty years old, and hast thou seen Abraham? Jesus said unto them, Verily, verily, I say unto you, before Abraham was, I am.’—John viii. 56, 57, 58.

‘If that which was before Abraham, and yet then in being the same, was God, as none that own the Scriptures do deny; then because that outward visible body was not before Abraham, that was not God: the first all grant, the second none reasonably doubt; for Christ was crucified about the three and thirtieth year of his life: I then I hope none will believe the eternal Deity was transmuted, transubstantiated into that visible body; for so Christ’s answer would not have been true: for that mortal body, which, say Reeve and Muggleton, was the eternal God, had a beginning, and was of that age the Jews said it to be.

‘2. ‘Whose are the Fathers, and of whom, as concerning the flesh Christ came, who is over all, God blessed for ever.’—Romans 8. 5.

‘If Christ, as concerning the flesh, was not God, as the text manifestly implieth, (by a distinction betwixt his appearance in that body and flesh, and his divine essence or being, with their originals) then that fleshly body was not God, or the eternal God was not substantially transmuted into that fleshly body.

‘Secondly, Neither could Elias be God’s deputy, to transact, in his stead, the affairs of heaven, during that journey which these impostors affirm God to have taken, from any Scripture evidence.

‘1. ‘For my Father is greater than I.’—John xiv. 28.

‘And he kneeled down and prayed, Father, if thou be willing, remove this cup from me; nevertheless, not my will, but thine be done.’—Luke xxii. 41, 42.

‘If Elias was that Father which Christ spake of, and prayed and appealed to, as Reeve and Muggleton assert; then either he that cried to him was not God, but Elias really God (and so they both contradict their own doctrine, who tell us, that he who was born of the Virgin, and died on the cross, was the everlasting Father) or else, that which needeth and crieth for help of another, was greater than it, which was able to succour and deliver it; which how absurd it let all sober men judge: therefore, he to whom he cried, and appealed in all streights, and whom he had affirmed to have received his doctrine and commission from, and who was greater than all, is the only true God, and not any glorified creature. For God

could not leave Elias his deputy, and not leave him which if he did, he left himself; since without his Almi he were not God."

Here he was meeting another heretical notion. So urged that God had died; and Penn, as every man who principles of religion must say, declared that God did not he did not enter into the womb, and descend himself into the grave. No: but that he assumed flesh and blood so that the great objects of his mission might thus be The Lord Jesus Christ, in assuming a human body, made a part of himself, and thus far and in that sense he died; but his head could not die. This was all that Penn laboured to show. The whole seeming difficulty is met and cleared by one witness in this cause who protests against separating Christ from his body, and when he insists so plainly that he and his body joined to form the blessed Redeemer of men. God cannot die; he is the same yesterday, to-day, and for ever. How, then, could he be said that God suffered.

If a puncture wounds my finger, my soul is unharmed by the injury indeed; it is inflicted on the mere flesh, and yet I suffer. If I am wounded in spirit, I suffer. In both cases I may say with divine truth and sound philosophy, say that I suffer in my body suffers from pain, or wounds, it is not correct to say that my spirit suffers. So when Christ died, it is theology to say that God died; but God and man, as one person of our Saviour, suffered; and this, because he was a part of himself. He clothed himself in the vestments of humanity—and when his human nature writhed in agonies, in the garden, and on the cross, he, the Lord Jesus, suffered.

They refer us again to Whitehead's life of Christ to show the views of Elias Hicks, that the faith of the early Christians was not consistent with our belief, and they endeavour to show that Whitehead, that he placed little account in the external sacrifice of Jesus Christ. Now he is opposing the false notion that we are saved, by the blood shed at Jerusalem, without reference to the inward sanctification of the spirit of Christ. That they are deluded from sin by what he did and suffered for us at Jerusalem without the influence of his Holy Spirit, or light within, is the same error which Penn resists in the imposing doctrine of putative righteousness; and for brevity's sake I will talk together. Now the court will perceive that the very great atonement, is Christ offering himself up as a spotless sacrifice; yet, if a man merely looks to that atonement as cancelling sin without the accompanying requisites of a sanctified heart and life, Penn and Whitehead insist that he cannot experience it. If a man relies wholly on what Christ did without him, he cannot be saved; there must be submission to the light within,

language of Scripture, "Faith without works is dead," and "unless a man be born again, he cannot see the kingdom of heaven," so Penn urges that these points should appear in the life, or the effects of the sacrifice can never reach the soul. And yet if you see these sentiments in the way in which some persons receive them, they would run out to infidelity, thereby making Penn say that it never was his intention to utter. Why, the heart of every Christian believer and every true Friend adheres to that light of the Spirit of Christ, working in the soul, "to will and to do of his good pleasure."

And if the antinomian rests his hope on the payment of this debt, and lives as he lists, it will never be satisfied. This is what the ancient worthies were trying to establish. Penn says, "that to regard sin merely as a debt, in any commercial sense, was a dangerous view of the subject: that it was not *debt* and *payment*, but *sin* and *guilt*, and *grace* and *mercy*, from the fountain of infinite love. The antinomian pleads, "my sins are forgotten, all my iniquities are blotted out: I may live carelessly—Christ has died, and the bond is cancelled." Penn's argument is, that this is a soul destroying illusion.

The Hicksites ought to have had this labour; they ought to have brought forward their creed, and not have attempted to ring again the old charges of 1676. Their ancient fathers refuted all these imputations, and it is a sad realization, that a portion of their children should take up the forgotten calumny.

I read from Evans' Exposition, p. 82, from Penn's Works, vol. i. p. 185:

"And now I will tell thee my faith in this matter: I do heartily believe, that Jesus Christ is the only true and everlasting God, by whom all things were made, that are made, in the heavens above, or in the earth beneath, or the waters under the earth; that he is as omnipotent, so omniscient, and omnipresent, therefore God.

"In short, I say, both as to this, and the other point of justification, that Jesus Christ was a sacrifice for sin, that he was set forth to be a propitiation for the sins of the whole world; to declare God's righteousness for the remission of sins that are past, &c. to all that had repented and had faith in his Son. Therein the love of God appeared, that he declared his good will thereby to be reconciled; Christ bearing away the sins that are past, as the scapegoat did of old, not excluding inward work; for, till that is begun, none can be benefited, though it is not the work, but God's free love that remits and blots out, of which the death of Christ, and the sacrificing of himself, was a most certain declaration and confirmation. In short, *that* declared remission, to all who believe and obey, for the sins that are past; which is the first part of Christ's work, (as it is a king's to pardon a traitor, before he advanceth him,) and hitherto the acquittance imputes a righteousness, (inasmuch as men, on true repentance, are imputed as clean of guilt as if they had never sinned,) and thus far justified: but the completing of this, by the working out of sin inherent,

must be by the power and spirit of Christ in the heart, destroying the old man and his deeds, and bringing in the new and everlasting righteousness : so that which I writ against, is such doctrine as extended Christ's death and obedience, not to the first, but this second part of justification ; not the pacifying [of] conscience, as to past sin ; but to complete salvation, without cleansing and purging from all filthiness of flesh and spirit, by the internal operation of his holy power and spirit."

I should only weaken the authority of the extract by saying another word.

In the same way, many passages are brought in, as to the blood of Christ not being the light by which we are saved. It is not the effective atonement : though without the shedding of blood, there can be no remission of sins ; yet this blood must be applied to the heart, and must be received through the spirit, as a sin offering unto God.

Unless we receive it as humble and penitent sinners, it will never avail us : its influence cannot reach us, if the blood were to flow for ever, without Christ within, we shall never be saved.

I now come to a few references, as to extracts cited by my learned friend on the other side, respecting the authenticity and divine authority of the Scriptures. Many passages might be cited, and in this case, the various authorities which have been resorted to, really present a very singular appearance. We have spread our living testimony before you, to tell you what is the faith of the society now ; and here we are rummaging amongst the dust of the seventeenth century to see what was the faith of the society then. We have challenged the opposite party to come up to the mark ; but they decline to advance. Abraham Lower says, "I don't think I will." But they come into court and say, we will go into the dust of antiquity, and will continue to confound you there. We however, are quite willing to meet them, and explain in regard to the Scriptures. I would make one general remark. As to the disputes in the days of Penn, the danger that was feared, arose from a disposition to exalt the Scriptures above the spirit that had inspired them. We know that the Scriptures are revelations from God : that he gave to man his word ; but Penn insisted that the written word of God, was the mere instrument of his communion with man. The disputants wished to exalt the instrument above the hand that used it : the agent above the principal. Penn's effort was to preserve them in their proper place, as the best of all outward helps, by which the Spirit of God teaches his people ; and thus Penn reasons with the adversaries : if you acknowledge that the Scriptures are secondary, and the Spirit primary, I acknowledge it also ; but when you put them out of place, and make the Scriptures superior to him who gave them, I oppose it.

The truth is, there is such a thing as idolatrous attachment to the word of God ; if we put it in the place of the spirit that indited it. Hence Fox says : "Was not Enoch saved ; and there were no Scriptures in those days ; and yet Enoch and Abraham were both

saved." What did the Saviour say? No man knoweth the Father, save the Son, and he to whom the Son shall reveal him. And this is all the point of Fox's argument; that you are to look beyond the Scriptures if you would discover the fountain of light. And the faith of Abel, the first martyr, and the first redeemed sinner. How was he saved? he had no Scriptures. All this is not to disparage these precious oracles of truth, but to guard against a vain confidence, that would rest in them, and not seek to be led by their guidance in the spirit, to the blessed source of light and salvation. In the same strain hear the Scriptures: "The natural man receiveth not the things of the Spirit of God, for they are foolishness unto him; neither can he know them, because they are spiritually discerned." So in the 2d vol. Penn's Works, page 327:

"The Scriptures are a sealed book to all but those who know them by the same hand that originally gave them; so that however common they may be in the world, they are strangers to them that understand them not; and though old, respecting the time, when they were revealed to the saints, yet new to every age. So that we assert not a revelation of new things, but a renewed revelation of those things God made former ages witnesses of; otherwise men are no more benefited by them; and to be benefited, they must be made ours by the spirit, which made them the holy ancients.

"In short, no man can understand spiritual things but the spiritually discerning, nor can he so be without the inspiration of the Almighty; this is Scripture."

When Barclay speaks of the Scriptures, as in their proper place, he affirms that Friends have always greatly valued them. But in p. 292, he distinctly maintains, that the holy Spirit cannot contradict the Scriptures; these are his natural terms; and in p. 293, that whatever suggestions may arise in the mind, that are opposite to those lively oracles, are to be treated as the delusions of the adversary. Here we have the safest guide that man can possess, to lead him to life and glory; not a light that acknowledges no source but itself, but that looks to the word of God as springing from the everlasting fountain of light.

This is the opinion of Friends; this is what converts and brings to God; it is not the mere *ignis fatuus* which they would persuade you to think has been blindly followed by ancient Friends, but it is the hallowed influence of that blessed light which shines brighter and brighter unto the full and perfect day. It is not the working up of the mere animal spirits, and miscalling it the light within. We insist that the only safe illumination, is that which conforms to God's truth, and if it contradicts the Scriptures, it is contrary to the Spirit of God. This is the whole meaning of the ancient writers.

I submit with deference, that the counsel has failed to shake any one of the three great cardinal points of doctrine which we have set forth. The ancient Friends believed them all. We have shown

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"The Scriptures are a sealed book to all but those who know them by the same hand that originally gave them; so that however common they may be in the world, they are strangers to them that understand them not; and though old, respecting the time, when they were revealed to the saints, yet new to every age. So that we assert not a revelation of new things, but a renewed revelation of those things God made former ages witnesses of; otherwise men are no more benefited by them; and to be benefited, they must be made ours by the spirit, which made them the holy ancients.

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This is the opinion of Friends; this is what converts and brings to God; it is not the mere *ignis fatuus* which they would persuade you to think has been blindly followed by ancient Friends, but it is the hallowed influence of that blessed light which shines brighter and brighter unto the full and perfect day. It is not the working up of the mere animal spirits, and miscalling it the light within. We insist that the only safe illumination, is that which conforms to God's truth, and if it contradicts the Scriptures, it is contrary to the Spirit of God. This is the whole meaning of the ancient writers.

I submit with deference, that the counsel has failed to shake any one of the three great cardinal points of doctrine which we have set forth. The ancient Friends believed them all. We have shown

that, as body of Friends, the ancient society were united and happy, and that their constant and prayerful effort was, to maintain these truths in all their fulness and energy. Now, even if we grant that a few garbled extracts may render doubtful or exceptionable some of the opinions of one or two of the ancient writers; yet when we see the body of them agreeing in all the great and substantial points of their doctrines, I submit that nothing has been brought to shake the foundation upon which we have built. The effort was renewed yesterday, by my learned friend of the opposition. One would have thought that quotations so long had in a measure exhausted his desire to spread confusion in the ranks of the ancient writers, but it seems that his zeal is most untiring. They again quote from Fox's *Mystery*, to show that Christ was a mere figure. They say that in 1669, Fox said so; and they take a single sentence, or part of it, in proof of what they say. Now what is it? The whole of their quotations on the subject, resolve themselves into this simple fact, that George Fox held and declared, that the mere outward knowledge of the coming and sufferings and atoning death of the Son of God, was not sufficient for the salvation of the soul; but that the heart must be changed, and born again of the Spirit of God, by which it comes to a saving knowledge of Christ and his work within. But our adversaries would make of it an assertion on the part of Fox, that the outward knowledge of Christ was not necessary at all. If such liberties are to be taken with authors, all human systems must be broken up. No writer could stand against such perversions. But what does Fox himself say in this very book, page 68:

“Christ gave himself, his body, for the life of the whole world; he was the offering for the sins of the whole world; and paid the debt, and made satisfaction; and doth enlighten every man that comes into the world, that all, through him, might believe; and he that doth not believe in the offering, is condemned already.”

They again quote from Fox's *Great Mystery*, to prove that George Fox considered the outward appearance of Christ no more than a figure. This is one of Bugg's old objections, vamped up anew. It was ably and fully answered by George Whitehead, in his reply to Bugg, and the society cleared of entertaining any such notion. But what does Fox himself say on the subject, in the very book from which they quote?—In page 98, replying to an opponent who had written that Christ in the flesh, and his sufferings, were *but* an example or figure, he says:

“Christ ended all figures, in suffering, and examples and patterns; yet he is the saints' pattern and example, as the Scripture witnesses; and there is no other example nor pattern to be heeded, but Christ alone, which they are to learn of; but to say *he is nothing but a figure*, for *that*, thou and you all *will be judged*: for he ended all figures, and is the resurrection and the life both; and thy dead body shall live with my dead body, this is Scripture; and they

that said the resurrection was past in the days of the apostles, overthrew the faith of some."

So in 2d Penington, p. 16 was quoted to prove that nothing but Christ within is to be regarded; they quote the ninth query :

"What was that which saved people outwardly from their outward infirmities and diseases, while Christ was on earth in that body? Was it the body, or the life, power, and spirit of the Father within the body, and manifest through the body? And can anything less save inwardly? Now that which saves, that which hath the virtue and power of salvation in it, that the eye of faith is to fix upon, and not to stick or stop in that through which the life works it."

Now if they had given us the tenth query, we should have had more light on the matter:

"Who was he that humbled himself, that made himself of no reputation, that took upon him the form of a servant, and was made in the likeness of men, and found in fashion (or habit) as a man? Was it the body of flesh, or was it he that was glorified of the Father before the world was? And who is to have the honour and exaltation? At whose name is every knee to bow? Is not the reward to him who laid down his glory to take upon him the body of flesh, and appear in it, that he might honour, glorify, and fulfil the will of his Father?"

I would ask now, is there any dishonour of the Son of God, or of his coming in the flesh. Here—far from it—there is nothing of the kind. And if you turn to queries 1, 2, 3, and 4, on page 15, you will see that Penington held the outward coming and sacrifice of Christ to be necessary for salvation:

"Whether there was not a necessity of Christ's taking upon him our flesh, for the redemption of those that had sinned, and the satisfaction of the justice offended?"

"Whether the Father did not accordingly prepare a body for him, to do his will in all things in; and particularly to offer up to him the acceptable sacrifice for the sins of the whole world?"

"Whether it was not necessary, in this respect also, that Christ should take upon him our flesh, that he might have experience of our temptations and infirmities, and become a merciful and faithful high-priest and intercessor for us?"

"Wherein lay the value and worth of his sacrifice, and of all he did? Did it lie chiefly on the thing done, or in the life wherein he did it, in that he did it in the pure faith and obedience to the Father? He became obedient unto death, even the death of the cross; and he through the eternal Spirit offered himself without spot to God?"

The 2d of Penington, p. 19, was quoted against us: query 17.

I cite from the same volume, page 248, to show that this was the same passage quoted by an old author for the same purpose:

"Having been lately at London, upon occasion of a meeting between some of the people called Quakers, and some of the people called anabaptists, and other confederates, wherein I was somewhat

concerned, being charged or brought in by Thomas Hicks, in his second book of Dialogues, called 'Continuation,' p. 4, to prove, that the Quakers account the blood of Christ no more than a common thing; and having been at that meeting to clear my innocency in that particular; but the thing not then coming in question, and I being to return to my habitation in the country (though I staid also a second meeting for that purpose); it was on my heart, in the clearness and innocency thereof, to give forth this testimony, to take off that untruth and calumny of T. H. both from the people called Quakers, and myself; being both of us greatly therein injured, as the Lord God of heaven and earth knoweth. I have had experience in that despised people for many years, and I have often heard them (even the ancient ones of them) own Christ both inwardly and outwardly. Yea, I heard one of the ancients of them thus testify, in a public meeting many years since, that if Christ had not come in the flesh, in the fulness of time, to bear our sins in his own body on the tree, and to offer himself up a sacrifice for mankind, all mankind had utterly perished.

"What cause then have we to praise the Lord God, for sending his Son in the likeness of sinful flesh, and for what his Son did therein."

And on pages 250 and 251, he says:

"In the second part of Thomas Hicks' Dialogues, called 'Continuation,' p. 4, he maketh his personated Quaker speak thus: Thou sayest, we account the blood of Christ no more than a common thing; yea, no more than the blood of a common thief. To which he makes his personated christian answer thus: Isaac Penington (who I suppose is an approved Quaker,) asks this question: Can outward blood cleanse? Therefore, saith he, we must inquire, whether it was the blood of the veil, that is, of the human nature, or the blood within the veil, viz. of that spiritual man, consisting of flesh, blood, and bones, which took on him the veil, or human nature. It is not the blood of the veil; that is but outward; and can outward blood cleanse?"

"Now to satisfy any that desire to understand the truth as it is, and to know what the intent of my heart and words (as spoken by me) was, I shall first say somewhat to his stating the question, and then open my heart nakedly and plainly, as it then was, and still is, in this matter.

"First, I answer, these were not my words, which he hath set down as mine; but words of his own patching up, partly out of several queries of mine, and partly out of his own conceivings upon my queries, as if he intended to make me appear both ridiculous and wicked at once. For I no where say, or affirm, or did ever believe, that Christ is a spiritual man, consisting of flesh, blood, and bones, which took on him the veil of human nature. Thus he represents me as ridiculous. It is true, Christ inwardly, or as to his inward being, was a Spirit, or God blessed for ever, manifested in flesh; which

o speak properly) cannot have flesh, blood, and bones, as man hath. And then, besides his alterations at the beginning, putting in only our words of my query, and leaving out that which next follows, which might have manifested my drift and intent in them,) he puts in an affirmation which was not mine, in these his own words: It is not the blood of the veil; that is but outward: and then annexeth to his affirmation of his own, the words of my former query: Can outward blood cleanse? As if these words of mine (can outward blood cleanse?) did necessarily infer that the blood of Christ is but a common thing.

"Herein he represents me wicked, and makes me speak, by his changing and adding, that which never was in my heart, and the contrary whereto I have several times affirmed in that very book where those several queries were put (out of which he forms this his own query, giving it forth in my name.) For in the 10th page of that book, beginning at line three, I positively affirm thus: That Christ did offer up the flesh and blood of that body (though not only so, for he poured out his soul, he poured out his life) a sacrifice or offering for sin, a sacrifice unto the Father, and in it tasted death for every man; and that it is upon consideration (and through God's acceptance of his sacrifice for sin) that the sins of believers are pardoned, that God might be just, and the justifier of him who believeth in Jesus, or who is of the faith of Jesus. Is this common flesh and blood? Can this be affirmed of common flesh and blood? Ought not he to have considered this, and other passages in my book of the same tendency, and not thus have reproached me, and misrepresented me to the world? Is this a christian spirit; or according to the law or prophets, or Christ's doctrine? Doth he herein do as he would be done by? Oh! that he had a heart to consider it! I might also except against those words: human nature, (which he twice putteth in) being not my words, nor indeed my sense; for by human nature, as I judge, I understood more than the body; whereas I, by the word veil, intended no more than the flesh (or outward body,) which in Scripture is expressly so called, (Heb. x. 20,) through the veil, that is to say, is flesh."

Again, in the same treatise, p. 256:

"Now as touching the outward, which ye say we deny, because of our testimony to the inward, I have frequently given a most solemn testimony thereto; and God knoweth it to be the truth of my heart; and that the testifying to the inward (from which the outward came) doth not make the outward void, but rather establish it in its place and service. God himself, who knew what virtue was in the inward, yet hath pleased to make use of the outward; and who may contradict or slight his wisdom and counsel therein? Glorious was the appearance and manifestation of his Son in flesh; precious his subjection and holy obedience to his Father; his giving himself up to death for sinners was of great esteem in his eye! It was a spotless sacrifice of great value, and effectual for the remission of sins: and I

do acknowledge humbly unto the Lord the remission of my sins thereby, and bless the Lord for it; even for giving up his Son to death for us all, and giving all that believe in his name and power to partake of remission through him."

The court have heard from this quotation, that Penington had to encounter the same kind of opposition as is experienced by Friends now.

They next cite from Fox's *Doctrinals*, 1006. It is an epistle to Mahomet; and when the court look at its object, and extend the quotation so as to suffer Fox to speak for himself, they will immediately perceive the object of this epistle, and obtain a satisfactory clew to the argument which the gentleman on the other side has attempted to draw from it. The emperor of the Turks had put forth a declaration, in which he styled himself the guardian of the christians' crucified God, and Fox writes to him, denying that God can be crucified.—Fox denies that God can be crucified: "Now, whereas the emperor of the Turks saith, that he is commander and guardian of the christians' crucified God. Now in this he is mistaken; for the eternal, incomprehensible, invisible, everlasting God, whose divinity extends throughout the whole earth, who is God in heaven above, and in the earth beneath, to whom all nations are but as the drop of a bucket; this is the true christians' God, whom they serve and worship in his spirit and truth, which the Jews did not crucify, nor could they crucify; and it is blasphemy for the Jews, or any to say, that they did crucify the true christians' eternal, invisible God; and great ignorance for any to say, that the true christians' God was crucified, or that the eternal, incomprehensible, immortal God, the creator of all, who is the God of the spirits of all flesh, and the breath of all mankind is in his power, so that poor mortals, or externals should say, think, or imagine, that the eternal, invisible, everlasting, immortal, incomprehensible God was, or can be crucified, which they cannot comprehend, which is the true christians' God."

The court will find that the declaration of the sultan Mahomet, the grand Turk, sent to the emperor of Germany, gave rise to this letter.

"Mahomet the fourth, son of emperors, and of the famous and renowned God; emperor of the Turks, king of Greece, Macedonia, Moldavia, Samaria, and Hegha; king of great and lesser Egypt; king of all the inhabitants of the earth, and prince of the earthly paradise; acknowledged prince and obedient son of Mahomet; preserver of the cities of Hungaria; possessor of the sepulchre of your God; lord of all the emperors of the world, from the rising of the sun to the going down thereof; king of all kings, lord of the tree of life, conqueror of the Malonian Hegley, and the city Prokenix; the great persecutor of the christians, and all wicked people, joy of the flourishing world, commander and guardian of your crucified God, lord of the multitude of the heathens: we command ye to greet the

peror Leopold, in case he desire it ; and you are a friend to our
 majesty, whose power and will we have extended very far."

Hear the proud contumely of this audacious heathen endeavour-
 ; to triumph over the cross of Christ! Fox was roused to energy ;
 came out, not to enlighten a christian, but to put down a pagan.
 ; says that God cannot be crucified, that he is infinite, indestructi-
 , and eternal. And yet they cite Fox to show that he denied the
 trinity of our Saviour!

If the charge had come from the infidelity of Paine, or Voltaire,
 ; could better have sustained it, but coming from the descendants
 Fox himself, it is almost too much ; it requires grace, as well as
 patience, to endure it.

But the sultan goes further. He says :

"I have resolved forthwith to destroy you and your people, and
 depose you of the German empire, after my will, leaving in the
 empire a remembrance of my dreadful sword, that it may publicly
 bear that I will establish my religion therein, and pursue your
 crucified God, whose wrath I fear not, nor his coming to defend, or
 deliver you out of my hands ; but will condemn your sacred priests
 to the plough, and suffer the breasts of your wives to be sucked by
 dogs and beasts ; you will do well to forsake your religion, other-
 wise I will give order to consume you with fire. This is enough to
 show you understand my will, if you will be so wise as to know it."

Hear this uncircumcised Philistine ! It was the boastful spirit of
 a proud infidel that Fox intended to meet. With pious indigna-
 tion he rebuked the impious language ! Be it known to you, said
 he, that Christ cannot be crucified. He is beyond your reach.
 You cannot touch the apple of his eye. He is Lord and God for
 ever. Does not the court perceive how proper such language is in
 these circumstances ? It might not do every where, nor on all occa-
 sions, but when he came forth to meet an infamous scoffer, is it not
 proper ? His object was to defy him who had defied the God of
 Israel. But Fox does not stop here ; he goes on to declare his
 faith in the divinity and offices of Christ. Page 1006, 1007 :

"But Christ, which was made of the seed of David, according to
 the flesh, who took not upon him the nature of angels, but the seed of
 Abraham ; he suffered for us *in the flesh*. And so as Christ also
 hath once suffered for sins in the flesh, he the just, for the unjust,
 that Christ might bring us to God ; so *God was not crucified, but*
Christ being put to death, or crucified *in the flesh*, but quickened
 again in the spirit and rose again, and sits at the right hand of God ;
 as Peter (one of the apostles of Jesus) testifieth, and the true chris-
 tians now believe it, and though Christ was crucified through weak-
 ness, that is, *through the flesh*, yet he is alive, and liveth by the
 power of God.—2. Cor. 13.

"So it is clear, that the eternal, and invisible, incomprehensible God
 is not, nor cannot be crucified ; but Christ the Son of God suffered
 according to the flesh, not in his Godhead : so Christ died for our

sins, according to the Scripture of the Old and New Testament; for as in Adam all died, so even in Christ shall all be made alive, and that Christ by the grace of God should taste death for every man: so it was not the invisible, eternal, incomprehensible God that was crucified and died, and did taste death for every man, but Christ according to the flesh, who was manifest to take away our sin, and in him there was no sin; so Christ was manifest to destroy the works of the devil, and Christ through his death, destroys death that sin brought, and the devil the power of death; and about the ninth hour (when Jesus Christ hanged upon the cross) he cried with a loud voice, saying, my God, my God, why hast thou forsaken me. So it is clear, the eternal God did not die, nor was crucified, but Christ was put to death in the flesh; this testifies Mathew, one of Christ's apostles. So he was the one offering, who made the end of all the offerings among the Jews, through the offering up of the body of Jesus once for all; so the man Christ Jesus offered up himself our sacrifice for sins; so by that one offering he hath perfected for ever them that are sanctified; so he is the propitiation, offering and sacrifice for the sins of the whole world, yea Jesus Christ which was of the seed of David; and so, according to the Scripture, Christ died for our sins, and he was buried, and rose again the third day, according to the Scriptures; and after he was risen from the dead he was seen of the apostles; and again he was seen of above five hundred brethren at once, that were believers in him; and this was after he was dead, buried, and risen. But none of the princes of the world knew him; for had they known Christ, they would not have crucified him; but we know now, that Christ being raised from the dead, dies no more, and death has no more dominion over Christ, in that he died unto sin, and for the sins of the whole world; but now he being raised from the dead, he is set at the right hand of God; and therefore"—Now begins another quotation made by the learned gentleman, viz:—"Jesus of Nazareth, a man approved of God by miracles, wonders, and signs *which God did by him*, this *Jesus the son of Mary*, the Jews with their wicked hands did take, crucify and slay; but it was God who loosed the pangs of death, because it was not possible that he should be holden of it; and though the Jews did crucify Jesus and slew him, and hanged him on a tree, yet God hath raised him up the third day, and God hath exalted him at his right hand, to be a Prince and a Saviour, to give repentance, &c. and forgiveness of sins; so Christ's apostles were witnesses, how God raised him from the dead; so you may see here, *it was not God that was crucified and died*, for he raised Christ from the dead on the third day, and showed him openly to his apostles, and they did eat and drink with Jesus Christ after that God had raised him up from the dead." Fox proceeds:—"And he commanded his apostles to preach to the people, and testify, that it was he that was ordained of God to be judge of the quick and dead, and to him gave all the prophets (and apostles) of God witness, that through the name of Jesus, who

never believed in him should receive remission of sins, neither
 is there salvation in any other; for there is no other name under
 heaven given amongst men whereby we must be saved, but by Jesus
 of Nazareth, whom the Jews crucified, whom God hath raised from
 the dead; for God said to David, that of the fruit of his loins (ac-
 cording to the flesh) God would raise up Christ to sit on his throne.
 And David he seeing this before, spake of the resurrection of Christ,
 that his soul was not left in hell, neither did his flesh see corruption.
 So, though the Jews crucified him, and a soldier thrust a spear into
 his side; and though he was crucified and hanged on a tree, and
 lain, dead and buried, him did God raise up the third day, and he
 appeared to his apostles and disciples, and did eat and drink with
 them after he was risen, who were the faithful witnesses, that God
 raised him up from the dead, who is ascended up into heaven at the
 right hand of God, who *being the brightness of God's glory, and*
the express image of his substance, and upholding all things by
 the word of his power, when he had by himself purged our sins,
 sat down at the right hand of the Majesty on high, whom the hea-
 vens must receive until the time of the restitution of all things,
 which God hath spoken by the mouth of all his holy prophets since
 the world began; and *he that descended is the same also that as-
 cended far above all heavens*, that he might fill all things, who led
 captivity captive, and gave gifts unto men, &c. And we have re-
 demption through Christ's blood, even forgiveness of our sins, who
 hath delivered us from the devil (the power of darkness) who is the
 seed of the woman, which bruise the old serpent's head, which
 deceived Adam and Eve, which God promised to Adam, that the seed
 of the woman should bruise the serpent's head; in which seed, viz.
 Christ, all nations are blessed, who is the image of the invisible God,
 the first-born of every creature; for by him were all things created
 that are in heaven, and that are in the earth, visible and invisible,
 whether they be thrones, or dominions, principalities or powers; all
 things were created by him and for him, and he was before all things,
 and by him all things consist; and Christ saith in his prayer to his
 Father, 'this is eternal life, that they might know the only true God,
 and Jesus Christ whom thou hast sent.' And Jesus desired of God
 his Father, saying, 'that those whom God hath given him, might be
 with him where he was, that they might behold his glory which
 God hath given him;' for he loved him before the foundation of the
 world, therefore saith Christ, 'now, O Father, glorify thou me, with
 thy own self, with the glory which I had with thee before the world
 was;' and Christ said to his disciples after he was risen from the
 dead, 'all power in heaven and in earth is given unto me;' and he
 bid his disciples, 'go into all the world, and preach the gospel to
 every creature,' &c. And then after the Lord Jesus Christ had
 spoken to his disciples, he was received up into heaven, and sat
 down at the right hand of God. And now we who are the believers
 in Christ Jesus, and true christians, we do live unto him; and if

we die, we die unto the Lord, whether we live or die, we are the Lord's; for this end Christ both died, revived, and rose, that he might be Lord both of the dead and of the living; and he is judge both of quick and dead who is the only one Mediator betwixt God and man, even the man Christ Jesus, who makes intercession to God for his people, and is able to save to the utmost, all that come to God by him, who ever lives to make intercession for them, who is sate down at the right hand of God in heaven, who is the prince of the kings of the earth, who said to John 'I am the first and the last, I am he that liveth, and was dead, and behold I am alive for evermore.' "

This is all consistent with our faith. Christ never said his humanity accomplished this; it was his Godhead; but both were united in one person. And what did he himself say, "I have power to lay it down, and I have power to take it again."

Could not he who raised Lazarus from the dead, who chained the thunder, and said unto the winds and the waves, "peace, be still;" could not he raise himself from the grave? Yes: but it was his Godhead within him.

Barclay's Apology, page 464, is next cited.

They only read one-half of the paragraph; but Barclay proceeds:

"I doubt not but there are many also at this day, professing to be the disciples of Christ, that do as little understand this matter as those did, and are as apt to be offended, and stumble at it, while they are gazing and following after the outward body, and look not to that by which the saints are daily fed and nourished. For as Jesus Christ, in obedience to the will of the Father, did by the eternal Spirit offer up that body for a propitiation for the remission of sins, and finished his testimony upon earth thereby, in a most perfect example of patience, resignation and holiness, that all might be made partakers of the fruit of that sacrifice; so hath he likewise poured forth into the hearts of all men a measure of that divine light and seed wherewith he is clothed; and thereby, reaching unto the consciences of all, he may raise them up out of death and darkness by his life and light, and thereby may be made partakers of his body, and therethrough come to have fellowship with the Father and with the Son."

What is the amount of all this? Our Saviour said, "except ye eat my flesh and drink my blood ye have no life in you." Now what says Barclay? Why, simply, this is not to be received *literally*. Some errorists believe in the transmutation of that bread and wine into the body and blood of Christ by some spiritual process. The court will perceive that the whole difficulty between Barclay and certain professors of religion arose from this constantly separating of things, that are safe guides only when united.

Take the body and blood of the Saviour; live according to the spiritual import of the sacrifice made by him, then Christ, the hope

f glory, is within you. Barclay desired most earnestly to bring them into the path of truth; his desire was to cause them to look *through* the sacrifice of Christ, as did the dying thief upon the cross. Did he rely on the mere external offering for his forgiveness? No; *humbled* and penitent, with a broken heart, and a faith that looked beyond the humiliation and sorrows of the cross, to the future glories of the risen and triumphant Redeemer; he resigned himself with humble submission to his infinite compassion, and exclaimed, "Lord, remember me when thou comest into thy kingdom!" Such is the faith the ancient worthies contended for: they contended, that through him, every penitent sinner should be saved.

I have now disposed of this painful, and yet in one sense, pleasing part of my duty. I have endeavoured to vindicate the character of the ancient Friends, and to satisfy the court that they are consistent with themselves, and that their doctrines harmonize with the Scriptures. But, suppose the counsel had made the contrary to appear: would it not still have been an extraordinary state of things? We have disclosed our doctrines, and charged that Decow and his party had departed from them. Do they take issue on these doctrines, and deny them to be the doctrines of the ancient Friends? No: on the contrary, so far as implication can go, they admit them to be so. If then, the charges are not denied, are they not to be taken for granted? We have confined ourselves to the doctrines of this century: they go back to the seventeenth century, and instead of showing what the doctrines of the society are, they endeavour to show that the ancient Friends did not believe those doctrines.

This proposition of our adversaries, that there is no guide, nor leader, nor system of faith among them, would lead to dreadful consequences. It breaks up all order and authority; every man is to think as he pleases, and the step is a short one, to act as he pleases. It is downright radicalism: it would drive liberty, happiness, and religion away for ever. What does infidelity seek more than this? Away with creeds, trample down the advice of parents, leave children to their own guidance, or to the corrupting influence of wicked and designing agents, cast off the shackles which are at present imposed upon the rebellious spirit and will of man, build up associations with Owen and Wright, and all the other patrons of abomination: What moral desolation and death would be spread through the land!

On the point of departure from, or conformity with the belief of Friends, in our bill, we ask, what is your faith; we throw down the glove: here are our charges, we charge a fundamental and fatal departure from these things, and what do they answer? They say, you have no right to inquire into our consciences; we are uncontrolled by the dictation of any man. Does this put the matter fairly in issue?

Decow says that he and his associates believe in the christian religion, as contained in the Holy Scriptures: the judge very truly observes, that "there is nothing characteristic" in this declaration. He says, in p. 76, Decision:

"All sects of christians, however widely separated, unite in professing this. But if I can understand the liberty claimed in this answer, for the members of the society, it is, that they may interpret the Scriptures, in reference to the doctrines of the trinity, and of the divinity and atonement of Jesus Christ, as the light within them shall direct."

Here are the very points to which we have called for a categorical answer. What do they say? Why, in one paragraph, "you have no right to question us;" in another, "we believe in the Holy Scriptures." They cloak themselves under this species of subterfuge. A man who is afraid to avow his faith, warrants the suspicion that something is wrong with him; and Scripture says, "Be ready always to give a reason for the hope that is in thee." A man ought to rejoice in his faith. Abraham Lower, the moment you come within reaching distance of him, cries "hands off." I enter my protest against you: I put my veto upon any such attempts to inquire into the consciences of men.

But, although Decow, in his answer has in some measure declared his faith, still he denies the right of inquisition into the religious opinions of men. In page 50, vol. i. Evidence:

"And he submits to this court, that the only legitimate inquiry before this court, respects the *right of property* to the bond and mortgage and the money due thereon, mentioned in the bill of interpleader, and that neither this, nor any other court, have a right to institute an inquest into the consciences or faith of members of religious societies or associations, or subject them to the ordeal of a creed prepared by those claiming adversely, in order to disfranchise or to deprive them of their property or legal rights."

Can this denial be well founded? My learned friend has also complained of this. He admits that we may inquire into the doctrines of Decow, but not into his conscience. This, however, is not the position taken by his associate counsel. At the very commencement, they put a stopper on this, by entering their protest. In page 58, vol. i. Evidence:

Question by Mr. Sloan: "State what are the doctrines held by the society in reference to what is generally termed the trinity? The counsel for the complainant, Mr. Southard, objects to the question, and to any and every question respecting the *religious opinions or doctrines* of the society."

It was proposed to inquire generally into the doctrines held by the society of Friends, not thereby at all inquiring into the personal opinions or thoughts of the witness, but into the religious faith of a whole sect, in relation to particular points of theology. Mr. Southard, on behalf of his clients, objected to any inquiry into faith; he objected to any and every question relating to religious doctrine. It was no wonder that Abraham Lower assumed the position that he did; or that, under authority so strong and weighty as that of my learned friend, he should reply, "I will not answer." This injunction,

however was not sufficient; they would not allow even our own witnesses to approach our own ground, so very anxious are they to shut the door upon all open investigation. "We protest," say they. We desire to show what faithful use our good friend Abraham Lower has made of this protest. In page 380, the question is put, as to the grounds, or reasons of his disownment. "With what were you charged in that testimony of disownment, and for which you were declared no longer in unity with the society?" and he refused to afford any light on the subject. Page 381, he had admitted the fact that they did take cognizance of his case; that they disowned him; and that they had given him notice; and yet when we approach to the reasons for their dealing with him, he raises the protest. We could have shed light on this subject, had we been permitted to do so; but the gates were barred against us. Our friend Abraham, who, convinced in his own mind, that the constitution of the United States and of this state, did not authorize such inquiries; and perhaps being confirmed in that opinion by his own feelings of opposition to them, he was therefore determined not to answer. I know not how he got all these ideas about the general and state constitution, to his head, unless it be from the fact that my learned friend, his unseller, had sustained so conspicuous and exalted a part in both governments. Again, in page 383, 1st vol. Evidence:

"Q. Do you refuse to answer the last three questions, and the one immediately preceding, out of which they grew, viz: by the discipline and usages of the society of Friends, have they a right to treat with, and if persisted in, to disown any of their members, so in the course of their ministry shall propagate sentiments repugnant to the principles and doctrines which have always been held fundamental by the society, and which questions relate to the ministration of the discipline?"

"A. I deny the authority or right of a temporal court to interfere with things purely spiritual.

"Q. Will you answer the question, yes or no?"

"A. What I have said, is my answer.

"Q. Do you mean your answer to be understood as a refusal to answer?"

"A. I mean it to be understood as a protest against everything bearing an analogy to the Spanish inquisition. I am glad that fire and fagot, and all those engines of Orthodoxy, are out of fashion in this country.

"Q. Will you answer these questions without fire and fagot then, say that you decline to do so?"

"A. I have no confidence in Orthodoxy; I mean those who call themselves Orthodox; and apprehend, that if fire and fagot had been in fashion here, as it has been in christendom, that from the temper and disposition I have discovered in the opposers of Friends, I think this time I should not have had the privilege of sitting here, and advocate for the rights of private judgment.

“Q. Is this your answer ?

“A. That’s my answer.”

Here, in a general question relating to the discipline of the society, he refuses to answer.

So in the same page: this is a long question taken from the book of discipline. “Is a violation of the following rule of discipline, to wit, ‘If any in membership with us shall blaspheme, or speak profanely of Almighty God, Christ Jesus, or the Holy Spirit, he or she ought early to be tenderly treated with, for their instruction and the convincement of their understanding, that they may experience repentance and forgiveness; but should any, notwithstanding this brotherly labour, persist in their error, or deny the divinity of our Lord and Saviour Jesus Christ, the immediate revelation of the Holy Spirit, or the authenticity of the Scriptures, as it is manifest they are not one in faith with us, the monthly meeting where the party belongs, having extended due care for the help and benefit of the individual without effect, ought to declare the same, and issue their testimony accordingly;’ or of this rule, viz: ‘We tenderly and earnestly advise and exhort all parents and heads of families, that they endeavour to instruct their children and families in the doctrines and precepts of the christian religion, as contained in the Scriptures, and they excite them to the diligent reading of those excellent writings, which plainly set forth the miraculous conception, birth, holy life, wonderful works, blessed example, meritorious death, and glorious resurrection, ascension, and mediation of our Lord and Saviour Jesus Christ; and to educate their children in the belief of those important truths, as well as in a belief of the inward manifestation and operation of the Holy Spirit on their own minds, that they may reap the benefit and advantage thereof, for their own peace and everlasting happiness, which is infinitely preferable to all other considerations:’ a subject for which a member or members of the society may be treated with, and if they persist in disregarding these rules, be disowned.”—Not even touching his conscience, not evincing the slightest desire to oversee his unuttered thoughts. But what did he say? “I think that this question is an interference of this commission in spiritual things, which does not become them, according to the restrictions of the constitution, with respect to the opinions of the citizens.” Now you see, if it please your honours, it is not possible to get the constitution out of this old man’s head. So with every witness who was brought before the court; we cross-examined week after week, and month after month, and found that we were but labouring in vain, and so gave up the task in hopeless despondency.

Let us, for example, turn to the evidence of Halliday Jackson. He takes his stand on the constitution too. Ev. vol. ii. p. 89.

“Q. Was not the ‘Berean,’ a work edited and published under the patronage of those you call Friends, and was it not generally approved and circulated by them, as giving a correct view of the doctrinal differences which existed among Friends?

"A. That seems to be travelling off the ground that we have been versing. I can only say as to that work, that it was an anonymous publication, which neither the society of Friends, nor any individual that I know of, was responsible for but the author himself: and how extensive its circulation was, I cannot tell; but I think I remember the first I saw of any of the numbers in circulation, was in the house of an Orthodox Friend, Nathan Sharpless, at Concord. [see correction at the close.] He and several others that were concerned there at the time of the quarterly meeting, several of whom were of the Orthodox party, so far as the distinction was known at that time, seemed to be much interested in the reading of the work. The night, previous to that, have seen the prospectus, or the first number, though I am not certain. I took the work myself, and I believe it was taken by some Friends; a number of Friends, perhaps, and a great many that were not members of the society of Friends. As it regards doctrinal differences, every Friend may have their own opinion on that subject; and as it regards opinions about doctrines, I have heretofore stated, a temporal tribunal is not the proper place to judge."

So in p. 205: "I have several times renewed my protest against her his right to inquire, or myself under any obligation to answer, matters relating to the private concerns of that monthly meeting. It is as in the latter question, and in the long string of quotations, &c. that he (however mutilated they may be) has got recorded on those minutes, he seems now to have taken a new ground; that of requiring opinions about doctrines, and matters of a spiritual nature, which has heretofore been protested against by a witness who preceded me in this examination, and also by myself, in some instances, being out of the jurisdiction of any court in the United States, or any commission acting under it, to inquire into matters of a spiritual nature, or opinions about doctrines. I therefore, *once more*, enter my solemn protest against going further into any examination on this point; believing myself not required, or under any obligation, by any qualification I have taken, to do so. And I had an assurance from the former counsel, by whom I was cross-examined, that no questions would be put, requiring an opinion on these subjects. And therefore, I shall decline answering any question tending to that point; and as I suppose the end and design is answered, by getting these long quotations placed upon the record, I shall hope not longer to be burdened with such questions, and this examination protracted, whereby I am kept week after week from my family, and motherless children."

The next quotation, and the last, with which I shall detain the court, in p. 206: "But as my protest is disregarded, and a question of doctrine is again put, I must say again, that I am not bound to answer, and *will not answer* a question put, of that nature." Never as counsel more faithfully followed. And it is because they were disguised as to matters of faith, that the great leader of their party,

and all his adherents, have best carried on their purposes by striking in the dark ; therefore it was, that they kept themselves concealed : that they dare not meet the light ; and that when called upon in a court of justice to explain their principles, they throw the burthen of proof from them, by protesting against the interference of human tribunals, in matters affecting the consciences of men. What, if it please this honourable court, ought to be the legal consequence ? The opposite counsel, perceiving the force of the objection, says, all they have to do is to stand on their rights. Now if Decow were the defendant, they might do so ; the party who files the bill and interpleader, has compelled these two parties to interplead with each other ; he calls on them to make out their cases in chancery, and to settle for him to which of them he shall pay the money. Each must make out his own case at his peril. The bill of interpleader is the only thing read against this question. Shotwell gave bill, &c.

We prosecute it on behalf of Joseph Hendrickson. Shotwell, aware that the other meeting claimed the money, brought them both here ; and they filed their answers, which are to be considered as their respective claims.

I refer to 4th Brown's Chan. 3 Wendell. Nothing is to be admitted or denied. Each party is to prove his own case ; not to lie on his oars till they are broken in upon, he must *prove*. Decow says, we believe as you do ; and when we come to make out the fact, whether they do so believe or not, they say the constitution forbids them answering any such minute interrogatories. What, I again ask, is to be the legal consequence ? Are they to take the benefit of their default, or we of our proof ? They say we ought to except to the answer : but we are co-defendants, and one defendant cannot except against another. Decow has made his case, and he must substantiate it ; he cannot say that we have not established the weakness of his case, and therefore pray your honours to award a decision against us. Our reply to this would be, we have supported our own claim, and that will give us the decree of the court. If he has made a bad bed for himself, he must lie upon it.

I cite from 16th Vesey's Chan. p. 201, in order further to support our position—that the interpleading party who *makes default*, must have judgment against him—thereby carrying out the essence of the principle laid down. I refer also to 4th Brown, p. 310, a case cited by my learned friend ; and if he refuses to answer, or make his defence, or does not sustain the validity of his own claim, the benefit of such defalcation must go to the other interpleading party.

But if the court please, we have heard a dictum of Chancellor Walworth cited, to show that this protest was right, that Abraham Lower was justified in declining to answer the questions put to him.

We have an old maxim which says, that the judge's safe place is where the lawyer's is—in holding to the record ; it is an apt maxim, and good for illustration here.

After disposing of the case before him, the chancellor volunteers

an advisory opinion: but this will not answer; and the chancellor at last only throws out serious doubts, of the principle for which we contend, and his doubts surely should not overcome the series of decisions, on this matter, which have been given in our own courts of chancery, and of appeals; of our supreme court, and of the supreme court in Massachusetts, and which has also been the subject of a contrary opinion in his own state of New York? In the "Purchase" case this question came before the supreme court of the state of New York, and an opinion was delivered by Judge Nelson.

Here is the true issue between the parties, and this is the view which the chancellor ought to have taken. What did his own judge maintain? "If there has been a diversion from the objects for which the fund was created, a court of equity will prevent it. As for instance; if a fund was created for the purposes of educating children in certain doctrines, the court will inquire not "is this orthodox or heterodox," but are you about to apply the fund to the purposes for which it was intended. Here the question of majority or minority is a matter of perfect indifference: it does not touch the principle: and if either the majority or minority divert the fund from its proper objects, the court of chancery will interfere and bring it back to its original uses. We are not to inquire, whether a man enjoys a right to change his creed; and here is the immunity given by the law. The question is not, "may I go from the meeting and join another;" a member, we all know, may depart if he pleases; but the question is, what is the legal consequence of that departure. Is not the fund to follow those who pursue the purposes for which it was created?

I now proceed to show that the doctrines contained in the bill in chancery are essentially fundamental; and that they have always been so declared by the society of Friends. But let us first ascertain the meaning of terms. What is signified by the term "*fundamental*." As I understand it, it means the principles which are at the foundation which form the basis, the vital doctrine, without which religion cannot exist. And if you subtract from the Scriptures the divinity of our Saviour, the atonement, and the inspiration of the Scriptures, what remains? There is no fabric, no stay, no hold; all is gone: and the whole spirit of prophecy is nothing more than "a sounding brass or a tinkling cymbal;" if the Scriptures are not inspired of God, where are we? We are left alone in a dark world, and urging our way to a dreadful eternity, without light to guide, or hope to sustain us. Paul says that he counted all things but loss for the excellency of the knowledge of Christ. And this he did for the sake of the truth, as it is in Jesus Christ. And to strike out these doctrines would be to hang our world in the curtains of despair!

In 4th Blackstone, page 45, &c., you will find the true rule given on this subject; of what errors in religion ought to be subjected to human law. "They are such as tend to overturn christianity, or sap the foundations of morality, and classes under this head the con-

tumelious reproaches of our Saviour, and profane scoffing at the Scripture, or exposing it to contempt and ridicule." These ~~are~~ the foundations, these tend to destroy the great fundamental principles which lie at the basis of the belief of Friends.

Our own law gives its views, in Revised Laws, page 248, section 20; and punishes as a public offence, the reproaching the Saviour, or scoffing at the christian religion, or the Holy Bible. Our pious forefathers deemed that this great doctrine lay not only at the foundation of their belief, but was the only sure basis of sound morality, and public order and happiness. This reminds me of the interpretation given by my learned friend in matters of discipline: why, said he, Friends are merely carrying out the injunctions of the civil law. Now if this is so, it is a noble testimony for both—for in truth it seems, that our law is just as orthodox as the society of Friends.

As a farther proof that these doctrines have been regarded by the Friends as fundamental, I refer to the fact of disownments having often taken place for the denial of the divinity of our Saviour, and of what he wrought by his atonement. In vol. i. Evidence, page 99, William Jackson says:

"I have knowledge of instances of disownment for denial of the proper divinity of our Saviour, and the divine authority of the Scriptures.

"A neighbouring monthly meeting, upon the records of which was shown me a case, in which the monthly meeting had disowned a person, for traducing, or setting at nought, the Scripture testimony, respecting our Lord and Saviour Jesus Christ, and speaking slightly of the Scriptures of truth. This took place as much as ninety years ago, if not a hundred; that is, the minute was that long ago. Since that, within thirty years past, there were two disowned by the monthly meeting of which I am a member, while I was in Europe, for their disbelief, and rejection of the Saviour; for their disbelief and disregard of the doctrines of the society, and the faith of the society. It was so generally understood that it was for this cause. I did not see the testimony against them; but it was the common report and general understanding, that it was so; and that their views tended to infidelity.

"The divinity of our Saviour, and the divine origin of the Scriptures, have always been believed by the society, as a body. They have always, as a body, professed belief in these doctrines. The society has always, as a body, believed and held the doctrine of the atonement. So far as I know, it has always been understood, that a profession of a disbelief of these doctrines, as held by the society, would subject such member, if persisted in, to disownment."

So also, Samuel Bettle, in page 60:

"The society does not presume to look into the heart, but when doctrines are promulgated and taught, directly opposite to those by which the society is bound, and held together, it forms a subject

proper to be dealt with ; individuals of the society known to the witness, have become members of the episcopalian and baptist societies, in which cases the fact was recorded, and the individuals respectively dismissed, as they could not properly belong to the two societies at the same time. As far as witness knows, in every instance where a member has adopted different views and doctrines from those held by the society, they have been dealt with—they are bound to do so by the discipline ; they exercise a pastoral care over their members, but do not impose any coercive restrictions upon the consciences of men. The society has always exercised the right of disowning members for unsoundness in its faith and doctrines, as well as for a departure from its testimonies.”

And Elias Hicks, himself, is shown to have been disowned for a breach of discipline, and for being unsound in doctrine. There were likewise further cases of disownment. Samuel Parsons testifies, 1st vol. Evidence, page 171 :

“In the case of *Hannah Barnard*, who was disowned by the monthly meeting of Hudson, (occurring within my own knowledge,) about the year 1802, the charges were, for ‘denying the miraculous conception of Jesus Christ, his miracles, and atonement.’

“The case of *William Reid*, disowned by Yonge street monthly meeting, Upper Canada, for ‘denying the divinity of Jesus Christ.’ He appealed to the half year’s meeting, and yearly meeting, in 1815, both of which confirmed the judgment of the said monthly meeting.

“*Jesse Mullenex*, and two of his family, disowned by the monthly meeting of Westbury, for ‘denying divine revelation, and the authenticity of the Scriptures,’ in the year 1822.

“The cases of *Joseph C. Deane* and *William Deane*, disowned by the monthly meeting of ‘Nine Partners,’ for ‘promulgating a belief that the souls of the wicked are mortal, and will be annihilated ;’ about the year 1822.

“The cases of *Isaac Dickinson*, *Amos Dickinson*, and *Samuel Underhill*, disowned about the same period by the monthly meetings of Coemans and Duanesburg, for the same cause as the last.”

With a christian court it certainly would be an unprofitable and unjustifiable consumption of time to proceed further to show that these doctrines are fundamental, because the name of christian cannot be taken without it. It is the great land-mark which distinguishes the profession of a christian, and lays the foundation of all his great and glorious hopes. Men were first called christians at Antioch, and because of their faith in Christ—and for a christian congregation there is no foundation without it ; it is the alpha and omega, the beginning and the end ; the revelation which God himself has made. These doctrines were brought into the world through the cross and sepulchre of Christ, and if we reject his divinity and the wisdom of God who brings him to our knowledge, all our hopes are vain.

But our Friends who differ from us, deem these doctrines fundamental ; and their conduct furnishes conclusive testimony that these

were vital and fundamental points of discipline. What is the consequence? They went from us because they were not of us; as my friend has very justly observed, it is impossible to fraternize with those who differ from us in matters so important. Abraham Lower accordingly discloses the fact when he says, "it was because of differences in doctrine, that they separated."

But we have better testimony than this. On their separation, whilst the causes of trouble were fresh, the seceding party came out with an exposition; and three lines of it will suffice to show the court that they not only considered that a difference of doctrine did exist, but that it was one, the influence of which was so overpowering, that they could not abide or dwell together. In 2d vol. Ev. p. 454:

"With this great object in view, our attention has been turned to the present condition of this yearly meeting, and its different branches; and, by evidence on every hand, we are constrained to declare, that the unity of this body is interrupted—that a division exists among us, developing in its progress views which appear incompatible with each other, and feelings averse to a reconciliation. Doctrines held by one part of society, and which we believe to be sound and edifying, are pronounced by the other part to be unsound and spurious. From this has resulted a state of things that has proved destructive of peace and tranquillity, and in which the fruits of love and condescension have been blasted, and the comforts and enjoyments even of social intercourse greatly diminished. Measures have been pursued which we deem oppressive, and in their nature and tendency calculated to undermine and destroy those benefits, to establish and perpetuate which, should be the purpose of every religious association."

This is not a complaint of conduct or oppression. It is a development of views incompatible with each other. But they proceed: "*Doctrines* which *we* deemed *sound* and salutary, have been held by the other party, to be unsound and spurious, and from hence has arisen," &c.

Here then I fix it upon them: it is not the principle of majority; it is not the palming of a creed; it is not the mere disrespect manifested towards Elias Hicks! it is plainly and palpably a matter of doctrine. What doctrines have the Orthodox party ever pronounced unsound and spurious? Those contained in the bill, and there are no others, which we ever put them to deny, explain, or admit. Who has ever questioned about anything else. What or whom do we impeach? Why, your doctrines that deny the authority of the Scriptures, that take away the dignity and *divinity* of Christ, that deny his atonement: these, and these alone are what we have pronounced unsound and spurious. Here is their own testimony before us; their exposition fresh from their own minds; it was this which broke up the fraternity; they espoused unsound doctrines, and they "retreated;" that is, they deliberately departed from us; and they give as reasons, that their views and ours were incompatible with each

other: that they were not alike. Thus they give us the back-bone of the matter, by avowing that the difficulties have arisen on the score of doctrines. Therefore we part.

The court adjourned.

Wednesday afternoon.

MR. FARLINGHUYSEN resumed:

May it please the court:—I have proceeded to establish the fact, that the unhappy difference of opinion which arose in the society of Friends, concerning doctrines they have ever deemed fundamental and essential, was the only original cause of the division which followed; and I have here only to add, that it was expected by the separatists themselves to produce this result, and was indeed actively fomented by them to accomplish it. Some of their most active and influential agents previous to the yearly meeting of 1827, "opened the prospect" of disunion, and confidently expressed themselves that it had already become inevitable. Evid. 2d vol. p. 58, 59. Halliday Jackson being under examination:

"Question by Mr. Price. Did the great body of Friends, in consequence of the violation of the harmony and principles of the society, by a party, proceed to hold the yearly meeting, independently of the party?"

"A. They did so proceed. The various disorders that I have before stated, and violations of the order and discipline of the society, previous to the yearly meeting of 1827, had produced in the minds of many Friends a strong impression that the conflicting parties could not much longer harmonize together in a yearly meeting capacity. It had been generally understood, that some of the leaders of those called the Orthodox party, had made declarations that there must be a separation. For instance, Thomas Wistar in the quarterly meeting of Philadelphia, as stated by Abraham Lower, had made this public declaration. John Comly, whose mind was very deeply affected with the scenes and disorders that had occurred previous to that time, seemed to be impressed with the belief, that society could scarcely be saved from ruin, in any other way than by dividing from this dominant party, who plainly showed by their conduct, that they were determined to rule, and to have the government of the church. John Comly, therefore, in some interviews with some of his friends, previous to that yearly meeting held in 1827, had opened a prospect of this kind. Although he has been charged by our Orthodox Friends, in some of their perhaps anonymous pamphlets, of travelling about, and holding, I think, *forty caucus meetings*, I think, as they called them, of that kind. I have heard him say myself, that he never had more than four or five that could be called anything like *conferences* on the subject; and those when he met with a few Friends together, while he was travelling on other concerns. In one of those, and one

only, I was present, and perhaps six or eight other Friends, besides the family we were then in. He then opened his views to us in a very solemn manner, respecting the distressing state of society, and wished Friends that were present to consider the subject. He stated that he did not wish his views at all to be kept secret. Friends that were then together, expressed much tender feeling and sympathy, being fully sensible of the tried and distressed state the society was then in. But there was still a looking towards the approaching yearly meeting, with a hope that there would be some redress; and that when Friends from the country collected in a yearly meeting capacity, they might be able to put some check upon the disorders that were prevailing, which had been principally occasioned by the dominant party that were principally confined to Philadelphia, and had assumed the right to govern the proceedings of the society. I think John Comly expressed, if I remember right, that he had attended the quarterly meeting in Philadelphia about that time, or previous to that time, and perhaps some other meetings; and he thought it was a vain hope."

There was a conversation to the same effect between John Comly and Samuel Bettle, as deposed to by the same witness. Evid. vol. ii. p. 139:

"John Comly, I recollect, was behind that company in gathering, that evening. After he came in, he informed the meeting, that he had been in close conversation with his friend Samuel Bettle, on the subject of the difficulties that then agitated the society; and that Samuel had acknowledged to him that he could not see anything better than that there should be a separation, or words to that effect, and said a good deal more on the subject of their conversation, which I cannot now recollect."

The secession was voluntary on account of dissensions upon points of essential doctrines. There had been no inquisitorial control over their private opinions; they would not even express them; but they voluntarily united themselves with Elias Hicks, whose unsound doctrines, openly and industriously disseminated, had occasioned his disownment. They lie down upon a bed of their own making, and have no ground of complaint. They have divorced themselves from the union of their early affection, and joined themselves to him, and faithful have they been to his memory.

It is now my duty to show that this their leader held, maintained, and industriously preached unsound and heretical doctrines, wholly irreconcilable with those which I have shown to be the fundamental and essential principles of our society. In pursuing this task I will readily subscribe to the strict letter of the precept, "*De mortuis nil nisi bonum*," and nothing but truth, distinctly proven in the cause, shall disturb his ashes. But it is not with Elias Hicks that we principally have to do, however aggravated may have been his errors. It is with his system—with his unhappy and desolating delusions which he spread, broad-cast, over the world, and which have

ly sprung up and survived him. So far as his errors affected personally, they may be accounted for upon the well known and on frailty of the human mind—the vain ambition for personal tion and fame, and we might throw the mantle of our charity over

He was a man of a strong mind ; but I need not advert to merous examples in human history of men with minds yet or who have been borne onward upon the wings of this ambi- a yet more disastrous career. He was captivated with the of originating a new system and with being the founder and of a new sect. That this latter feeling, in particular, prevailed in him, is evident from the testimony of S. Parsons, Evid. vol. 1, where it is said, “Elias Hicks himself remarked that such n was a good ‘*Hicksite* ;’ ” and at the time of the separa- e of their most influential members said, in a quarterly meet- at the term “*Hicksite*” would become as honourable a term of “Quaker” now is. He would strike out a new path—he raise a structure by which he might get to himself a name ; en he was admonished, “Friend Elias, your system is op- to the foundations of our society, and will cause a greater than has ever before occurred among us ;” he admitted that d produce a schism, but, said he, “it will be of short dura- or my doctrines must and will prevail.”

of the early disclosures of his principles was at a monthly g in Pine street, Philadelphia, after his return from the yearly g in Ohio, in 1819, when he advised the young people not to the traditions of their fathers, but to press forward in the of reformation. See Evidence, vol. 2, p. 39, 40. On another n he said that as it was lawful and right for George Fox, in ; to differ in opinion from the prevailing doctrines of his age, as right for him to make further advances ; and added that his es were already a hundred years in advance of those which ly prevailed.” Evidence, vol. 1, p. 214. Thus in the evi- of Joseph Whittall it is said :

uring that opportunity, he also declared, that ‘as it was lawful ht for George Fox, in his day, to differ in sentiment from vailing doctrines of the age, and to make advances in the ation, so it was right for him, meaning himself, E. H., to urther advances.’ ”

in :

ter the yearly meeting closed, still feeling my mind very un- his account, I went again to his lodgings, and proposed to have a few judicious Friends invited to come together to those important subjects, that we had conversed about ; for one in which the happiness and welfare of society, not only out every where, was involved. He said, ‘it was in vain to with him on the subject, for his mind was so made up, that determined to persevere, let the consequences be what they ,”

Page 215: "I informed him that I did fully believe his views throughout, on the points we had discussed, were at variance with the Scriptures of truth, and the doctrines of ancient Friends: and that we as a religious body had published to the world, that we were willing that our doctrines and practices should be tested by the Scriptures of truth. He said, 'he was not willing that his doctrines should be tried by the Scriptures, or the writings of ancient Friends; and that he believed George Fox, William Penn, and Robert Barclay, thought as he did, but they were afraid to come out.' "

And what were the doctrines which he considered a century in advance of those of other men? As the court have heard the evidence in *extenso*, I propose to detain them with a few references, on this branch of the case, a part for the whole—and first, as to Elias Hick's sentiments with respect to the sin of our first parents, usually designated amongst other religious denominations as original sin. In his letter to Dr. Shoemaker, Ev. vol. 2, p. 422, speaking of the successors of Christ he says, "They invented and promulgated inconsistent and unsound doctrines, such as original sin, certifying that all Adam's offspring was condemned to eternal punishment for *one misstep* of our first parents; for they don't appear to have been guilty of *but one failure*, and that it appears they *made satisfaction* for, at the time of their first arraignment."

For his estimate of the sacred Scriptures:

Vol. 1, p. 156: "It is absurd to look to writings 1800 years old for instruction.

Page 157: "He seldom read the Scriptures."

Page 159: "The New Testament was written by poor weak men like ourselves, who wrote *from memory*, and that was the reason there were so many contradictions in them."

Page 160: "He placed reason first, and revelation after it."

"He said the Scriptures were inconsistent with themselves."

"That the pope had modelled the Bible to his mind, and that no reliance was to be placed on it."—P. 161, 173, 174.

Vol. 2, 419: "That the society's belief of the Scriptures troubled him."

"That he was not willing to be tried by ancient Friends. That they thought as he did but were afraid to come out."

He seems to have understood the writings of ancient Friends very differently from his followers, in this cause.

As to our Saviour; in his letters to Dr. Shoemaker and Thomas Willis, he writes: "I do not consider that the crucifixion of the outward body of flesh and blood of Jesus on the cross was an atonement for any sins, but the legal sins of the Jews." Again: "I examined the accounts given by the four evangelists, and according to *my best judgment* on the occasion, I was led to think there was *considerable more* Scripture evidence of his being *the son of Joseph* than otherwise; and 'although it has not yet changed my mind,' as tradition is a mighty bulwark, not easily removed," &c.

Again: "Surely, is it possible," speaking of the atonement, "that any rational being that has any right sense of justice, or mercy, that would be willing to accept forgiveness of his sins on such terms!! Would he not rather go forward and offer himself wholly up, to suffer all the penalties due to his crimes, rather than the innocent should suffer." I forbear to enlarge upon this painful review. Grosser infidelity and deeper defection from the spirit and principles of the Gospel, will be searched for in vain among the records of those who deny the Bible and reject the Saviour.

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only, I was present, and perhaps six or eight other Friends, besides the family we were then in. He then opened his views to us in a very solemn manner, respecting the distressing state of society, and wished Friends that were present to consider the subject. He stated that he did not wish his views at all to be kept secret. Friends that were then together, expressed much tender feeling and sympathy, being fully sensible of the tried and distressed state the society was then in. But there was still a looking towards the approaching yearly meeting, with a hope that there would be some redress; and that when Friends from the country collected in a yearly meeting capacity, they might be able to put some check upon the disorders that were prevailing, which had been principally occasioned by the dominant party that were principally confined to Philadelphia, and had assumed the right to govern the proceedings of the society. I think John Comly expressed, if I remember right, that he had attended the quarterly meeting in Philadelphia about that time, or previous to that time, and perhaps some other meetings; and he thought it was a vain hope."

There was a conversation to the same effect between John Comly and Samuel Bettle, as deposed to by the same witness. Evid. vol. ii. p. 139:

"John Comly, I recollect, was behind that company in gathering, that evening. After he came in, he informed the meeting, that he had been in close conversation with his friend Samuel Bettle, on the subject of the difficulties that then agitated the society; and that Samuel had acknowledged to him that he could not see anything better than that there should be a separation, or words to that effect, and said a good deal more on the subject of their conversation, which I cannot now recollect."

The secession was voluntary on account of dissensions upon points of essential doctrines. There had been no inquisitorial control over their private opinions; they would not even express them; but they voluntarily united themselves with Elias Hicks, whose unsound doctrines, openly and industriously disseminated, had occasioned his disownment. They lie down upon a bed of their own making, and have no ground of complaint. They have divorced themselves from the union of their early affection, and joined themselves to him, and faithful have they been to his memory.

It is now my duty to show that this their leader held, maintained, and industriously preached unsound and heretical doctrines, wholly irreconcilable with those which I have shown to be the fundamental and essential principles of our society. In pursuing this task I will readily subscribe to the strict letter of the precept, "*De mortuis nil nisi bonum*," and nothing but truth, distinctly proven in the cause, shall disturb his ashes. But it is not with Elias Hicks that we principally have to do, however aggravated may have been his errors. It is with his system—with his unhappy and desolating delusions which he spread, broad-cast, over the world, and which have

fruitfully sprung up and survived him. So far as his errors affected him personally, they may be accounted for upon the well known and common frailty of the human mind—the vain ambition for personal distinction and fame, and we might throw the mantle of our charity over him. He was a man of a strong mind ; but I need not advert to the numerous examples in human history of men with minds yet stronger who have been borne onward upon the wings of this ambition in a yet more disastrous career. He was captivated with the pride of originating a new system and with being the founder and head of a new sect. That this latter feeling, in particular, prevailed with him, is evident from the testimony of S. Parsons, Evid. vol. 1, p. 199, where it is said, “Elias Hicks himself remarked that such a person was a good ‘*Hicksite* ;’ ” and at the time of the separation one of their most influential members said, in a quarterly meeting, that the term “*Hicksite*” would become as honourable a term as that of “Quaker” now is. He would strike out a new path—he would raise a structure by which he might get to himself a name ; and when he was admonished, “Friend Elias, your system is opposed to the foundations of our society, and will cause a greater schism than has ever before occurred among us ;” he admitted that it would produce a schism, but, said he, “it will be of short duration, for my doctrines must and will prevail.”

One of the early disclosures of his principles was at a monthly meeting in Pine street, Philadelphia, after his return from the yearly meeting in Ohio, in 1819, when he advised the young people not to rest in the traditions of their fathers, but to press forward in the work of reformation. See Evidence, vol. 2, p. 39, 40. On another occasion he said that as it was lawful and right for George Fox, in his day, to differ in opinion from the prevailing doctrines of his age, so it was right for him to make further advances ; and added that his doctrines were already a hundred years in advance of those which generally prevailed.” Evidence, vol. 1, p. 214. Thus in the evidence of Joseph Whitall it is said :

“During that opportunity, he also declared, that ‘as it was lawful and right for George Fox, in his day, to differ in sentiment from the prevailing doctrines of the age, and to make advances in the reformation, so it was right for him, meaning himself, E. H., to make further advances.’ ”

Again :

“After the yearly meeting closed, still feeling my mind very uneasy on his account, I went again to his lodgings, and proposed to him, to have a few judicious Friends invited to come together to discuss those important subjects, that we had conversed about ; for it was one in which the happiness and welfare of society, not only here, but every where, was involved. He said, ‘it was in vain to reason with him on the subject, for his mind was so made up, that he was determined to persevere, let the consequences be what they might.’ ”

Page 215: "I informed him that I did fully believe his views throughout, on the points we had discussed, were at variance with the Scriptures of truth, and the doctrines of ancient Friends: and that we as a religious body had published to the world, that we were willing that our doctrines and practices should be tested by the Scriptures of truth. He said, 'he was not willing that his doctrines should be tried by the Scriptures, or the writings of ancient Friends; and that he believed George Fox, William Penn, and Robert Barclay, thought as he did, but they were afraid to come out.' "

And what were the doctrines which he considered a century in advance of those of other men? As the court have heard the evidence in *extenso*, I propose to detain them with a few references, on this branch of the case, a part for the whole—and first, as to Elias Hick's sentiments with respect to the sin of our first parents, usually designated amongst other religious denominations as original sin. In his letter to Dr. Shoemaker, Ev. vol. 2, p. 422, speaking of the successors of Christ he says, "They invented and promulgated inconsistent and unsound doctrines, such as original sin, certifying that all Adam's offspring was condemned to eternal punishment for *one misstep* of our first parents; for they don't appear to have been guilty of *but one failure*, and that it appears they *made satisfaction* for, at the time of their first arraignment."

For his estimate of the sacred Scriptures:

Vol. 1, p. 156: "It is absurd to look to writings 1800 years old for instruction.

Page 157: "He seldom read the Scriptures."

Page 159: "The New Testament was written by poor weak men like ourselves, who wrote *from memory*, and that was the reason there were so many contradictions in them."

Page 160: "He placed reason first, and revelation after it."

"He said the Scriptures were inconsistent with themselves."

"That the pope had modelled the Bible to his mind, and that no reliance was to be placed on it."—P. 161, 173, 174.

Vol. 2, 419: "That the society's belief of the Scriptures troubled him."

"That he was not willing to be tried by ancient Friends. That they thought as he did but were afraid to come out."

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1818 ; the fourth month, 27th, 1820, at Westbury quarterly meeting ; the seventh month, 28th, 1820, at Westbury meeting for worship ; the seventh month, 1821, at Westbury quarterly meeting ; the ninth month, 28th, 1823, at Flushing meeting ; the tenth month, 22d, 1823 ; the seventh month, 24th, 1823, at Westbury meeting ; the second month, 18th, 1826, at Flushing meeting ; the first month, 19th, 1827, at Jericho meeting ; the ninth month, 6th, 1827, at Flushing. They were all meetings for worship ; and also, on the first month, 25th, 1826, at Westbury. The sentiments which, in my examination, I have attributed to Elias Hicks, were expressed by him, in my hearing, at some of the times and places above mentioned, in different discourses ; some at one time and place, and some at another."

In page 423, Abraham Lower says, "I tell you how the thing used to stand : when Elias Hicks would come to Philadelphia, in his preaching of the glorious and everlasting gospel of Jesus Christ, his illustrations and reasonings were addressed to the understandings of the hearers, as *reasonable beings*, confined to things that they could understand, brought home to the hearers ; and the obligation of obedience to the discoveries made to them of their duties, had such an effect, as far as my knowledge extended, of producing almost, if not, as far as I know, general approbation ; and when he passed away, this kind of observation would be common : you'd hear it uttered and reiterated in the course of social intercourse,—“He is an extraordinary man”—“*He is a hundred years ahead of us,*” and then the thing would end in this admiration, and universal approbation ; until a letter was written by Thomas Eddy, of New York, of a very defamatory nature, denouncing Elias Hicks as unsound."

The opposition which consequently arose, was not to him as a man, but to his communication and services.

In Ev. vol. ii. p. 42, Halliday Jackson says, "I think Elias paid another visit to these parts, about the fall of the year 1824, if I remember right, about the close of the year ; and again, perhaps, in 1826. I think it was at that time, in 1826, that he attended most, or all of the public meetings in Philadelphia, when there was public opposition made to him. In the meetings where I was present, Pine street was the first, I think. At the close of his testimony, which was a very solemn and impressive one, I think, (and which was fully evinced by the solemnity of feeling that was generally prevalent over the meeting,) Jonathan Evans got up, and had considerable to say, evidently in opposition to Elias Hicks. He was followed by Isaac Lloyd, another elder of that meeting, who made some few expressions amounting to the same thing. This created a great excitement and sensation in the meeting, and a very general disapprobation of their conduct was evidently manifested. In the afternoon of the same day, he attended western district meeting, where there was an unusually large assemblage of people collected ; the house was filled,

and the yard around it was nearly filled, I think, and many hundreds went away for want of room, as it was thought by many, and I saw large companies going away.

“Elias was largely engaged in the exercise of his gift in that meeting, and although the house was so exceedingly crowded that many were standing wherever they could get room to stand, yet the meeting was solemn and quiet, whilst Elias was thus engaged. As soon as he sat down, Thomas Wistar, one of the elders of that meeting, arose and expressed the same kind of opposition, or at least, of the same nature that had been manifested by Jonathan Evans and Isaac Lloyd, in the forenoon meeting. It produced a great excitement in the meeting, and a general indignation was manifested, more especially by the youth, I think, in the galleries, and principally, I think, by them: some of whom cried out to Thomas Wistar to ‘sit down.’ I think Elias spoke mildly to the people, and endeavoured to quiet them, and requested them to ‘hear what the Friend had to say.’ The meeting, at length, got quiet. Willet Hicks, from New York, was there, and had a short testimony that seemed to be impressive on the meeting. The meeting then closed pretty much in the quiet; as much so as could be expected after such a degree of excitement. Elias, the next day, I think, had a meeting in the country, at Merion, if I remember right. He returned to the city, and I think, was at the north meeting the day following; when opposition was again made to him, by a woman-elder of that meeting, I think; and what might be called an *opposition sermon*, I think, if sermon it could be called, was then and there preached by Othniel Alsop. There was a very general disapprobation manifested in that meeting by a considerable portion of the members, more particularly among the younger class, by their making some unseemly noises with their feet, perhaps, in order to prevent the opposition that was making to Elias Hicks.”

The youths’ galleries were especial objects of his attention, and he artfully fomented excitements and disorder among them.

The artful concealment of their sentiments by Elias Hicks and his partizans, and their refusal to meet the Friends to explain them, is thus evident.

In Ev. vol. i. p. 248, Joseph Whitall says, “If it had been nothing more than common report, as he had come to the city to perform a family visit, and to visit the public meetings in the city, it was the indispensable duty of the elders to give him information of reports which had circulated for years, and confirmed of late time, and it was his absolute duty to explain, and give them satisfaction. This, he absolutely did refuse from first to last, in the regular order of society. If I have rightly understood it, when the elders proposed to him to meet some of the individuals, he did refuse. The next step, I speak from recollection, near about the time, as then stated by Friends, that they took a second interview. I am not certain it was the same Friends, but a second interview was had with him, and he

still refused. The elders of the city then generally met, and it was their judgment that he ought to give them an opportunity for explanation and satisfaction in the case; he still continued obstinate, and would not submit, until after he was advised by some of his particular Friends, who held up to him; 'thou art here in the city visiting the families of Friends, and also the public meetings in the city, and as thou hast not given in thy certificate to any monthly meeting of business, thou art bound to give the elders the opportunity they request.' Previous to his entering upon the family visit, the elders and overseers of Green street meeting, and possibly a few others, I am not clear in that point, convened, in order to be consulted, respecting his engaging in the family visit. One of the elders of that meeting, I think, stated that it had been the universal practice in the city to lay such concerns before the monthly meeting, and desired him to wait till that arrived: two of the men-elders, out of three, were united that it would be proper so to do—some of the rest that were present, urged him to proceed, which he did. Shortly after, his friends urged him to meet the elders, as mentioned before, and he consented to, and proposed that they should meet him at Green street meeting house. When the elders assembled there, they expected to meet him and his companion; but a considerable number of others were present from Wilmington, Byberry, and Darby; and from the particular meeting of Green street, divers who were not in the station of either ministers or elders. Elias Hicks was informed of the views of the elders on that occasion, that they came with an expectation of meeting with no others than himself and his companion, as that was the universal usage of Friends on such an occasion, and most likely to be beneficial. He did not consent to the proposed opportunity; as he seemed determined to persist in that conclusion, the elders generally left the house. A letter was then addressed to him by the elders, giving him to understand the painful exercise that his conduct had brought upon them. He answered that letter, and they returned him a second, I rather think, signed by nine or ten of the elders in the city, expressive of their united dissatisfaction, and that it was a subject that ought to claim the attention of his friends at home. Such instances of the infringement of discipline, both with regard to the family visit, and rejecting the advice of the elders, are not to be found in the history of our society, as I apprehend."

Abraham Lower, in his account of what he calls the irregular proceedings against Elias Hicks, fully proves this. Ev. vol. i. 359.

"Q. What was the next irregular proceeding, and by whom, that took place within your knowledge?"

"A. The elders of the city of Philadelphia, mostly met together, contrary to the discipline and order of society—by order of society, I mean custom, sanctioned by usage. A deputation from them waited on Elias Hicks, and solicited or proposed an interview with him, which he refused, as being out of the order of society; as the interview was respecting what he had said at the public meeting held

day after the southern quarterly meeting. He thought it was a matter that he was not accountable to them for—Friends there were satisfied with him. They made another application—he still declined but at last, at the importunity of some of his friends, he consented to meet them at Green street meeting house. I think it was on Friday afternoon. At the time appointed, Elias and his friends were there; some few of his friends, I would be understood—the elders attended, and after a time one of them suggested that the opportunity was desired with *Elias Hicks*; a private opportunity—it was reiterated, that unless they had a *private opportunity*, it was *no opportunity*.”

This was not to a civil court, be it remembered, but to his own ecclesiastical tribunals; to his friends, the elders of his own society. The counsel for our opponents has read the answers of Elias Hicks,

the six questions upon points of doctrine, which were artfully expounded to him after his disownment and separation, as affording satisfactory refutation of the charges made against him, for believing and preaching heretical and unsound doctrines; but upon examination, we shall find them, however skilfully prepared by his coadjutors, fully confirming the account which we have given of his heresies. Ev. vol. ii. pp. 432, 433, 434.

[First query and answer, second query and answer, were read.]

Here it will be perceived that he says, he believes in the miraculous conception of Christ, “so far as it is possible for the history to give belief.”

[Second query and answer read.]

This answer is as equally guarded as the former one, and is its own answer:—“He was fully swallowed up into the divine nature, and *complete* divinity of the Father.” This is of the essence of Unitarianism. If he is *swallowed up* in the divinity of the Father, where is his divinity—it must surely be absorbed and gone?—see Barclay’s Apology, page 139, or as in another edition, pages 52-3, where this notion is in terms condemned by the society as heterodoxical:

“But by this, as we do not at all intend to equal ourselves to that only man the Lord Jesus Christ, who was born of the virgin Mary, in whom all the fulness of the Godhead dwelt bodily, so neither do we destroy the reality of his present existence, as some have falsely calumniated us. For though we affirm that Christ dwells in us, yet not immediately, but mediately, as he is in that seed, which is in us; whereas he, to wit, the eternal Word which was with God, and was God, dwelt immediately in that holy man. He then is as the head, and we as the members; he the vine, and we the branches. Now as the soul of man dwells otherwise and in a far more immediate manner in the head and in the heart, than in the hands or legs; and as the sap, virtue, and life of the vine lodgeth far otherwise in the stock and root than in the branches, so God dwelleth otherwise in the man Jesus than in us. We also freely reject the heresy of *pollinarius*, who denied him to have any soul, but said the body

was only actuated by the Godhead. As also the error of Eutyches, who made the manhood to be wholly swallowed up of the Godhead. Wherefore, as we believe he was a true and real man, so we also believe that he continues so to be glorified in the heavens in soul and body, by whom God shall judge the world, in the great and general day of judgment."

[Third query and answer, page 433.]

"I have highly esteemed them from my youth up," just as we might say of Hume's history, or that of Tacitus, or Xenophon; but surely it may have been expected from a sincere believer in these sacred oracles, that he would have dropt a passing word of testimony, to their value, as the source of his eternal hopes, and as the sure foundation of his faith. Instead of which he declares "their ultimatum—the top stone of what they can do, is to point to the inward light, the spirit of truth within," and adds, that "no external testimony of men or books can do more;" thus placing the Scriptures upon the parallel which his first expression implies.

The question itself is not orthodox. It only reaches to the "*authenticity*" of the Scriptures, and not to their *divine authority*, as it should. But he does not even come up to their standard. He evades their inquiry.

[Fifth query and answer, page 433.]

Let us contrast with this answer his famous letter to Dr. Shoemaker, Evidence, vol. ii. pages 422, 3 & 4.

[Sixth query and answer, page 433.]

"*Query.* What relation has the body of Jesus to the Saviour of man? Dost thou believe that the crucifixion of the outward body of Jesus Christ, was an atonement for our sins?"

"*Answer.* In reply to the first part of this query, I answer, I believe, in unison with our ancient Friends, that it was the outward garment, in which he performed all his mighty works, or as Paul hath expressed it, 'know ye not that your body is the temple of the Holy Ghost, which is in you;' therefore, he charged them not to defile those temples. What is attributed to that body, I acknowledge and give to that body, in its place, according as the Scripture attributeth it, which is through and *because* of that which dwelt and acted in it. But that which sanctified and kept the body pure, and made all acceptable in him, was the life, holiness, and righteousness of the spirit. And the same thing that kept his vessel pure, it is the same thing that cleanseth us.

"In reply to the second part of this query, I would remark, that I see no need of directing men to the type for the antitype, neither to the outward temple, nor yet to Jerusalem, neither to Jesus Christ or his blood, outwardly; knowing that neither the righteousness of faith, nor the word of it, doth so direct. The new and second covenant is dedicated with the *blood, the life* of Christ Jesus, which is the alone atonement unto God, by which all his people are washed, sanctified, cleansed, and redeemed to God."

I wish the court to take this last answer into particular consider-

tion. It will show that the passage beginning with, "what is attributed," &c., to the end of the paragraph, is a mutilated quotation from Isaac Penington, having no unsound meaning as it stands in his works; but introduced here to give a colour to the opinions of Elias Hicks. The whole passage is in the 2d volume page 7, of his works, and reads thus:

"Now, a little further to remove the scruples and prejudices out of the minds of such as sometimes have been touched with the power of truth, and have had the witness of God reached to in their hearts; but afterwards the enemy hath raised mists, and cast blocks in their way, stirring up in them hard thoughts against us, as if we denied what the Scriptures affirm in this thing, and indeed, (in effect,) that Christ which died at Jerusalem, and set up a natural principle within, instead thereof:

"To remove this out of the minds of the honest hearted (who in the guidance of God might light on this paper,) I shall open my heart nakedly herein.

"1. We do own that the word of God (the only begotten of the Father,) did take up a body of the flesh of the virgin Mary, who was of the seed of David, according to the Scriptures, and did the will of the Father therein, in holy obedience unto him, both in life and death.

"2. That he did offer up the flesh and blood of that body (though not only so; for he poured out his soul, he poured out his life) a sacrifice or offering for sin, (do not, oh! do not stumble at it; but rather wait on the Lord to understand it; for we speak in this manner what we know) a sacrifice unto the Father, and in it tasted death for every man; and that it is upon consideration (and through God's acceptance of this sacrifice for sin,) that the sins of believers are pardoned, that God might be just, and the justifier of him which believeth in Jesus, or who is of the faith of Jesus.

"3. What is attributed to that body, we acknowledge and give to that body in its place, according as the Scripture attributeth it, which is through and because of that which dwelt and acted in it. But that which sanctified and kept the body pure (and made all acceptable in him) was the life, holiness, and righteousness of the Spirit. And the same thing that kept his vessel pure, it is the same thing that cleanseth us. The value which the natural flesh and blood had, was from that; in its coming from that, in its acting in that, in its suffering through that: yea, indeed, that hath the virtue; that is it which is of an unchangeable nature, which abideth for ever; which is pure, and maketh pure for ever; and it is impossible for a man to touch it, but he must feel cleansing by it. Now this living virtue and power man was shut out from by the fall; but through the true knowledge of the death of Christ, the way is made open for it again, and man brought to it to be baptized, washed, cleansed, sanctified, fitted for and filled with life. So that this is it that doth the thing; *this is it from whence Christ had his own flesh and blood* (for we

are taught, both by the Spirit, and by the Scriptures, to distinguish between Christ's own flesh and that of ours, which he took up and made his;) which flesh and blood we feed of in the Spirit; which they cannot feed on which serve at the outward tabernacle; nor they neither which know only the outward body; but they only that feed in the Spirit."

The next paragraph of the answer is taken from George Whitehead's "Light and life of Christ within," and by a wilful perpetuation of a misprint, which G. W. himself had corrected, viz., "neither *to* Christ," for "neither *for* Christ," has altogether perverted his meaning.

The court will also observe, that Elias Hicks evades the question, and applies a text of Scripture, "know ye not," &c.; thus placing the body of every faithful christian, as the temple of the Holy Ghost upon the same level with that of the Redeemer.

On page 434, the conclusion of his letter to Thomas Willis, we find him referring to his public communications, as taken down by Mr. Gould, the stenographer, in which, he says, all the objections to his doctrines are answered, and which are contained in the 4th volume of the Quaker, page 283 :

"The first query necessary, then, to be considered is, what is God? To which the answer is plain; as is testified through the whole scope of Scripture, and the general consent of mankind—'God is a spirit.' And he is one spirit and not two—a complete unity in himself, entirely independent of all other causes, being the only self-existing great first cause, to whom all other causes owe their existence, and from whom they have derived their being. And, as God is but one spirit, so of necessity there is but one sole good; for which truth we have the absolute testimony of his Son, for he saith, 'there is none good but one, and that is God.' Hence, of course, there is but one self-existing divinity, and that is God alone, who filleth all things, and by whom all things consist, and in whom all things that have life, live, and move, and have their being, from the most exalted inhabitant of the highest heaven, to the smallest insect in earth or sea. And each must possess a fulness of his power, according to their nature and being, as every effect must rest upon its cause, or it would fall into a state of annihilation. Even the vegetable tribes depend upon his power for being and life, as does every other part of his creation.

"As to the divinity of Jesus Christ, the son of the virgin—when he had arrived to a full state of sonship in the spiritual generation, he was wholly swallowed up into the divinity of his heavenly Father, and was one with his Father, with only this difference; his Father's divinity was underived, being self-existent, but the son's divinity was altogether derived from the Father; for otherwise he could not be the son of God, as in the moral relation to be a son of man, the son must be begotten by one father, and he must be in the same nature, spirit, and likeness of his father, so as to say, I and

are one in all those respects. But this was not the case in the spiritual relation, until he had gone through the rite of the law dispensation, viz. John's watery baptism, received *additional power* from on high, by the descent of the Holy Ghost upon him, as he came up out of the water. He possessed the fulness of the second birth, being now born into the flesh, spirit, and likeness of the heavenly Father, and God testified of it to John, saying, "This is my beloved son, in whom I am well pleased." And this agrees with Paul's testimony, which assures us, that *as many as are led by the spirit of God, are the sons of God*. So Jesus, by being faithful to the leading of the spirit of God, fulfilled all the righteousness of the Jewish law. He was then prepared to receive additional power from on high, which he was qualified to enter upon his gospel mission, to announce the new covenant, prophesied of long before by Jeremy, and by which he went far beyond all the former prophets, he possessed in spirit the substance of all the shadows of their law, being the son of God with power, according to the holiness by the resurrection from the dead. And all who enter into the new covenant, and are led by the spirit that commanded his disciples to wait for, *become the sons of God, that heirs with Jesus Christ*, and are made kings and priests, and, having overcome the world *as Jesus did*, and are preaching righteousness both in word and deed.

The next query respecting the miraculous conception, &c., is to render a very plain simple thing. All the external miracles of the law dispensation, had but one aim and end; *and the miraculous work of Jesus, and of Isaac and John the Baptist, were the greatest*; all of which were intended to prove to the ignorant and debased people, that there was a living and invisible God; for such was their degraded state, that other means seemed calculated to awaken them, and raise in them belief in that invisible power, that made and governed the world without an external manifestation thereof, through the medium of outward miracles. And as Moses and the prophets had foretold the coming of their *last great prophet*, it was of singular importance to that people, that they should know and believe in him as he came; and as they depended on outward miracles as the evidence under that dispensation, so it is not only reasonable, but natural to suppose that he would be ushered in by some glorious display of divine power. Hence the reason, likewise, of the many miracles that Jesus was empowered to work among the Jews, as they were too outward and carnal to receive evidence of his power by any other medium. And we likewise see, that none but those who believed on him as their promised Messiah, were prepared to obey his last counsel and command, to turn from outward external evidence, to that which is inward and spiritual; *being as much above the former, as the gospel state is above*

the law state, or the spirit above the letter. For where Moses is read, or the law state with its outward miracles, there is a veil upon the heart, and it leads back to the letter, or external evidence, which killeth ; but this veil is taken away in Christ, *or the gospel state*, wherein all have free access to the throne of grace, without priest or book.

“Thou further queries, why was he permitted to suffer death? Is not the reason obvious. Why was the Lord’s prophets and faithful servants, in the various ages of the world, permitted to suffer death? Was it not *always the same thing*, because there was no other alternative ; for they must either give up their lives for the testimony of truth, and a good conscience towards God, or they must deny the truth, and disobey God, by conforming to their opposers and persecutors. But they chose rather to obey God than man ; therefore, they had rather suffer death, than to balk their testimony to the truth, which every wise and honest man would likewise prefer. And it was the same case with Jesus ; he had rather suffer death, and seal his testimony to the truth with his blood, than to turn aside from the truth to please his wicked persecutors, as he told Pilate the Roman governor, ‘To this end was I born, and for this cause came I into the world, that I should bear witness unto the truth.’

“And as to his resurrection from the dead, it is simple and plain, as all the ways of an infinitely wise and gracious God are, and must be so to his rational creature man, whom he hath created for the purpose of his own glory, and therefore his whole duty must be comprehended in plain, simple truth, that every individual endued with common understanding may know and comprehend. Even the wayfaring man, though a fool to the wisdom and science of this world, cannot err therein. And for any reasonable creature to judge otherwise, I conceive is casting a great indignity on the divine character.

“When we consider the outward law and covenant made with the people of Israel, with all its parts and appendages, from its first institution to the ascension of Christ, we shall perceive that it is to be regarded as a mere shadow or figure of good things to come. And all those shadows were manifested externally to the outward senses of man, and all comprehended in and by external objects ; but the good things pointed to by them, are internal, in the soul, and only known by the inward and spiritual senses ; and this last shadow of the resurrection of *the outward body of Jesus, and of some few others* in the course of that dispensation, is the highest and most valuable, as it had in its design and tendency, the awakening of the unbeliever, the sadducee, to a belief of the sufficiency of an invisible power, that was able to do anything and everything, that is consistent with justice, mercy, and truth, and that would conduce to the exaltation and good of his creature man. Therefore, the resurrection of the dead body of Jesus, that could not possibly, of itself,

create in itself a power to loose the bonds of death, and which must consequently have been the work of an invisible power, points to, and is a *shadow* of the resurrection of the soul, that is dead in trespasses and sins, and that hath no capacity to quicken itself, But depends wholly on the renewed influence and quickening power of the spirit of God. For a soul dead in trespasses and sins, can no more raise a desire of itself for a renewed quickening of the divine life in itself, than a dead body can raise a desire of itself for a renewal of natural life; but both equally depend on the omnipotent pre-iding power of the spirit of God, as is clearly set forth by the prophet under the similitude of the resurrection of dry bones: *Ezekiel, xxxvii. 1.*

“Hence, the resurrection of the outward fleshly body of Jesus, and some few others, under the law dispensation, as manifested in the external senses of man, gives full evidence *as a shadow*, pointing to the sufficiency of the divine invisible power of God, to raise the soul from a state of spiritual death into newness of life, and into the enjoyment of the spiritual substance of all the previous shadows of the law state. And by the arising of this sun of righteousness in the soul, all shadows flee away and come to an end; and the soul presses forward, under its divine influence, into that, that is within the veil, where our forerunner, even Jesus, has entered for us, showing us the way into the holiest of holies: as is typed forth by Moses, in the tabernacle he set up in the wilderness, as commanded by the Lord, into which holy place, none were to enter, but the Lord’s priests. But that is taken away in Christ, *or the gospel state*, with the veil that separated the people from the inner court, where the Lord manifested himself to his children face to face by his spirit, which is the dispensation of sonship, and fulness of the gospel state.”

Your honours will perceive that the opinions apparent on the face of this correspondence, agree in every respect with rank socinianism. The miraculous conception of Jesus Christ is to be received in a sense no higher than that on which we receive the accounts of the remarkable births of Isaac and of John the Baptist; and that the account of each was merely intended to give weight and authority to their respective missions and relations, towards a people who were ought to expect this kind of evidence in support of the pretensions which they made. But what desolation does this make of the Scriptures!

Court adjourned.

Thursday morning.

MR. FRELINGHUYSEN resumed:

At the close of my remarks yesterday, I was referred by a witness on the opposite side, to a misapprehension of mine in relation to his

testimony. I stated that it was not in opposition to Elias Hicks as a man, but to his doctrines, that the elders of Philadelphia took the course they did. I cited the testimony of Halliday Jackson, on page 43 of Vol. 2d, in support of this position. What I did not perceive was between brackets, and from this it appears that the witness was referring to John Mott, a valued minister in Halliday Jackson's estimation, in attendance from New York. The opposition was not to John Mott, but to his communications and his sentiments. I am obliged to the witness for his correction, both for truth's sake, and for its showing that Thomas Wistar opposed John Mott, as well as Elias Hicks, on account of doctrines.

On page 81, the court will perceive why Thomas Wistar opposed John Mott—that his doctrines were unsound—that he was infected with the spurious dogmas of Elias Hicks:

“Q. You have spoken of some opposition being made to the ministry of John Mott, in Arch street monthly meeting; was not the only opposition made on that occasion, the expression of objection to the sentiment inculcated by Mott, that “Jesus Christ who was crucified at Jerusalem, was not the Redeemer and Saviour of the world?”

“A. I don't recollect ever hearing of that sentiment in that meeting. As I stated before, in my testimony in chief, I was not present, but had it from common report, as also from some of the members of that meeting; and I think John Mott gave some information himself, as he and I had rode about thirty miles in a chair together. All I can recollect about the subject of his testimony in that meeting, was, that he had spoken much on the subject of love; and that Thomas Wistar, perhaps, in his animadversions upon it, had stated something to this amount, that “Judas, under a profession of love, had betrayed his master.”

I think that, from the question and answer, the court will pretty correctly conceive the nature of the opposition and the causes that induced it.

It has been objected on the part of the appellants, that, in the testimonies issued by the society of Friends since the division, no notice is taken of the light within, or of *war*, and slavery, and other subjects in which ancient Friends entertained peculiar opinions.

I hold in my hand a pamphlet entitled, “The Testimony of the Society of Friends, on the Continent of America.”

On page 20, the inward light is spoken of, in this language: “The doctrine of the light of Christ in the hearts of men, and of the sensible influence of this divine power, taken in connexion with the other fundamental doctrines of the gospel, has been held by the society from its first being gathered to be a people, to the present time. But it ought to be remembered that it is to be carefully distinguished from every other influence which actuates the human mind. Man being endowed with rational faculties, and moreover subject to be operated upon by the prince of the power of the air, the spirit that

les in the hearts of the children of disobedience, the admonition the apostle is of peculiar importance: 'Believe not every spirit, try the spirits, whether they are of God.' 1 John iv. 1."

What as a principal doctrine, the society refer, and avow their faith in it. Their testimony is, that they not only avow their belief in that, taken in connexion with other fundamental doctrines, but also to its influence. But the inward light with nothing to guide a man's own conscience, is a delusive imagination.

Page 21, they speak of the trinity.

Page 23, they speak of the Holy Scriptures: "Concerning the Scriptures, we believe they were given forth by the Holy Spirit, through the holy men of God, who (as the Scripture itself says, 2 Pet. i. 21,) 'spoke as they were moved by the Holy Spirit.'"

We believe they are to be read, believed, and fulfilled, (he who fills them is Christ;) and they are 'profitable for doctrine, for reproof, for correction, and for instruction in righteousness, that the man of God may be perfect, thoroughly furnished unto all good works.' 2 Tim. iii. 16, 17, 'and are able to make wise unto salvation, by the faith which is in Christ Jesus.' ib. 15. We believe the Holy Scriptures are the words of God: for it is said in Exodus xx. 1. 'I will give thee the tables of stone, upon which I have written all these words, saying,' &c. meaning the ten commandments given forth upon Mount Sinai. And in Revelations xxii. 18, 'I testify to every man that heareth the words of the prophecy of this book, if any man addeth unto these,'—'and if any man taketh away from the words of the book of this prophecy, I will add to his plagues, and he shall have his part with the false prophets, and the wicked, and shall be in the city which is destroyed.' &c. So in Luke i. 20. 'Because thou believest not my words.' And in John v. 47, and xv. 7, and xiv. 23, and xii. 47.

We call the Holy Scriptures, as Christ, the apostles, and holy men, God called them, viz. the words of God. George Fox's Journal, vol. ii."

They distinguish between the words of God and the Word of God. The Holy Scriptures are the words of God. Christ is the Word. The Society is aware that this difference is not held by other christians.

The doctrine of original sin, as we understand it, they are sufficiently explicit. We all know that there is no such term in Scripture. Therefore, Friends do not use it. But the fact is recognized by

Page 16, they say, "By the doctrine thus stated by the apostles, with regard to the universality of the effects, both of the fall of Adam and of the coming of Christ, it is evident that infants are included in both its parts. And their salvation depends on the same principle, and 'differs from that of persons who have attained to years of age, in no other respect than what arises from the capacities of the respective individuals. We believe that every soul that comes into the world does need a Saviour. We also believe that every soul that comes into the world is an object of redeeming love. And as we inherit a seed of sin, so, through Jesus Christ, we

are heirs of that grace, which is the efficient cause of salvation to all that are saved. If infants therefore receive the one, and we agree that they do, they must also receive the other, as 'the free gift that is come upon *all men*, to justification.' "

On page 17: "And not only does the propitiation of our Lord Jesus Christ apply to the effects of the *fall*, and places us in a capacity of obtaining salvation, but also to the actual transgressions of men. 'For as all men who have come to man's estate (the man Jesus only excepted) have sinned, therefore all have need of this Saviour, to remove the wrath of God from them due to their offences; in this respect he is truly said to have borne the iniquities of us all in his body on the tree, and therefore is the only Mediator, having qualified the wrath of God towards us, so that our former sins stand not in our way, being, by virtue of his most satisfactory sacrifice, removed and pardoned. Neither do we think that remission of sins is to be expected, sought, or obtained, any other way, or by any works or sacrifice whatsoever.' Apol. Prop. vii. § 3. 'For sin once committed cannot be undone; present and future obedience is no more than duty; and past offences must still remain against us without forgiveness.' Original and Present State of Man, p. 18."

There is abundant testimony in this pamphlet, in regard to the subordinate topics, such as dress, war, oaths, days and times, spirituous liquors, and the like, going through the whole range of subjects on which Friends entertain peculiar sentiments.

This testimony of the society of Friends, was prepared in 1829, by a committee appointed by eight yearly meetings. The clerks of the Ohio yearly meeting, held in the ninth-month of 1829, stated that this document "being produced and read, and weightily considered, was fully united with, and adopted by this meeting, both of men and women Friends." The clerks of the Indiana yearly meeting, held at White Water, on the 8th of tenth-month, 1829, state that "it was deliberately read before the men's and women's meetings, and full unity therewith being expressed by Friends generally, it was unanimously adopted." At the Baltimore yearly meeting, in tenth-month, 1829: "being deliberately read and considered," it "was cordially united with by the meeting." At the yearly meeting of North Carolina, held in eleventh-month, 1829: "after being read and deliberately considered, by both the men's and women's meetings, it was cordially united with and adopted." At the yearly meeting of Philadelphia, in fourth-month, 1830: "it was produced and read, and time being allowed for a full and free expression of sentiment, it was adopted by this meeting." At the yearly meeting in Virginia, held at Gravelly Run, in Dinwiddie county, in fifth-month, 1830, the document "being read to the meeting of our men and women Friends jointly, after being carefully and seriously considered, was fully united with by Friends, and adopted." At the yearly meeting in New York, in fifth-month, 1830: "it was deliberately considered, and after a full expression of sentiments uniting

herewith, it was approved and adopted." At the yearly meeting of Friends for New England, held in Rhode Island, in sixth-month, 1830: "it was read before the meeting of men and women Friends collectively assembled, and being deliberately considered, was cordially, unitedly, and fully approved, as embracing a concise declaration of the doctrines and testimonies which have always been held by our society."

I will now proceed without any more digression.

I trust I have shown the fundamental errors of Elias Hicks in all the grand principles of christian doctrine. If the court please, his consciousness of the nature of his doctrines, I further infer from his reluctance to declare them, when called on by the Orthodox elders of Philadelphia.

I will not detain the court with the voluminous testimony relating to their attempts to bring him to an explanation. He first declined altogether. Then, when a time was appointed, he declined it unless it should be in a *public meeting*. He wanted the "*galleries*" filled. He wanted to act as he had acted in Ohio and New York. Every man knows, how pleasant is the breaking forth from discipline, especially to youth. He wanted those present to whose immature judgments and inconsiderateness, the laxity of his doctrines would be acceptable. It was an unseemly proposition to men of the age and standing of the Philadelphia elders. It was not at all in character with their usual mode of proceeding. All they wished of him was, that he would open his mind to them in private. If they had insisted on his explaining himself in a public meeting, he might have found a just ground of objection to their proposal.

This is one of the charges against the Philadelphia elders. Abram Lower brings many such. He accuses them of fattening on custom house bonds and on the product of the labour of slaves. His object is to excite prejudices against them. Let us look at their conduct in another light. A distinguished preacher had fallen into fatal errors in religion. By the dissemination of his opinions, he must corrupt others, for there can be no soundness of life without soundness of doctrine. He had perverted his own preparative and monthly meetings. We are told that he belonged to Jericho meeting, and that to his own monthly meeting he was amenable if he tried. If he had confined his preaching to Jericho, there would be some appearance of reason in this argument. But when he came to our monthly meetings, and scattered the seeds of moral death among our youth, it became necessary for us to take measures for their protection. When his own monthly meeting bid him God speed, what could we do? Must we let him go on, corrupting our children and our youth?

These elders were performing a sacred duty. In the book of discipline, nothing is more closely insisted than the watchful care of elders over the ministers, that they may be preserved sound in word and doctrine, and on page 82, we find the inquiry is to be an-

answered every three months, "Are ministers sound in word and doctrine, and careful to minister in the ability which God gives?"

P. 55 : "In case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their declining or neglecting their attendance for the space of twelve months, the meeting for sufferings (if it be thought expedient) may choose others in his or their stead, to serve to the time of the next yearly meeting, or till the places of those who have represented the quarterly meetings shall be supplied by new appointments."

From this it appears that the meeting for sufferings supplied the place of the yearly meeting, in the time of its vacation : but had no power to interfere with matters of faith and discipline *not determined* by the yearly meeting.

I thought, in listening to the argument of my learned friend, that he spoke as if he had misapprehended this clause. He seemed to think that the meeting for sufferings had no cognizance of matters of faith and discipline. But from the passage just cited, it appears that if a matter of faith or discipline has been decided by the yearly meeting, it comes with full cognizance to the meeting for sufferings.

I think this is strong testimony, that, though Friends have no formal creed, they have a faith : and that though the men of the yearly meeting are fallible, they are not willing that any other meeting shall interfere with matters of faith, not previously determined by the yearly meeting. Does not this prove that they acknowledge a system of religious belief, and would sedulously shield it from rash or corrupt innovations ?

On the same page (55) it is made the duty of the meeting for sufferings, to guard the *reputation* of the society.

"The further services confided to the said meeting for sufferings, are :

"*First.* In general to represent this yearly meeting, and to appear on its behalf in any cases where the interest or reputation of our religious society may render it needful."

Now, what so deeply implicates the reputation of a religious society, as an accredited minister with certificates in his pocket, spreading false doctrines through the land. To prevent this was the duty of the meeting for sufferings, inasmuch as it was its appropriate concern to watch over the reputation of the society.

Then we come to the articles of the discipline which relate to ministers and elders, and the meeting of ministers and elders.

"It is our earnest desire, that both ministers and elders may be as nursing fathers and mothers to those that are young in the ministry, and with all care and diligence advise and admonish them, and if they see occasion, reprove them in a tender and christian spirit, according to the rules of our discipline and counsel of Friends in that respect ; also exhort them frequently to read the Holy Scriptures, and earnestly seek the mind of the spirit of truth, to open the

mysteries thereof, that, abiding in a simple and patient submission to the will of God, and keeping down to the openings of divine love and life in themselves, they may witness a gradual growth in their gifts, and be preserved from extending their declarations further than they find the life and power of truth to bear them up.

“And our advice to all our ministers is, that they be frequent in reading the Scriptures of the Old and New Testaments; and if any in the course of their ministry, shall misapply, or draw unsound inferences, or wrong conclusions from the text, or shall misbehave themselves in point of conduct or conversation, let them be admonished in love and tenderness by the elders or overseers where they live, and if they prove refractory and refuse to acknowledge their faults, let them be further dealt with, in the wisdom of truth, as the case may require.

“As the occasion of our religious meetings is solemn, a care should ever be maintained to guard against anything that would tend to disorder or confusion therein. When any think they haveught against what is publicly delivered, *they should speak to the party privately and orderly*; and if any shall oppose a ministering Friend in his or her preaching or exhortation, or keep on the hat or show any remarkable dislike to such when engaged in prayer, let them be speedily admonished in such manner as may be requisite, unless the person against whom the uneasiness is expressed has been disowned by a monthly meeting, or his or her public appearances disapproved by the elders.

“This meeting agrees that each monthly meeting choose two or more Friends of each sex to sit with the ministers, and they together to compose a meeting to be denominated a preparative meeting of ministers and elders; taking care that the Friends chosen for that service, be prudent, solid Friends, and that they do carefully discharge the trust confided to them.”

The court perceives it is a breach of discipline for a private member to interfere with a travelling minister, unless the travelling minister is disapproved by the elders, and thus it becomes the duty of the private members to support the elders. Now, Elias Hicks came from his monthly meeting into the meetings of Philadelphia. To a large part of the society he was not acceptable. Suppose a private member should rise and oppose him. His conduct might be right or wrong as the elders might think. But it is to the opposition of the elders that the Friends of Elias Hicks object. Jonathan Evans and Thomas Wistar were elders, and they dared to oppose the infidelity of Hicks, and because they did so, all this clamour is raised against the elders. What a monstrous state of things! Because a man has a little piece of paper from his monthly meeting, he is to go through the states spreading false doctrines, and nobody is to be permitted to oppose him. In page 58 there is another paragraph:

“We tenderly recommend faithful Friends, and especially ministers and elders, to watch over the flock of Christ in their respective

places and stations, always approving themselves by their pious examples in conversation and conduct, to be such as faithfully and diligently walk up to the testimony of the blessed truth whereunto the Lord hath gathered us in this his gospel day."

Another body is mentioned on page 68, and 69, namely, the overseers :

"It is recommended that in every monthly meeting a proper number of faithful and judicious men and women belonging to each of the particular or preparative meetings, be appointed to the station of overseers within the same : whose duty it is to exercise a vigilant and tender care over their fellow members ; that if anything repugnant to the harmony and good order of the society appears among them, it may be timely attended to and not neglected."

"And we tenderly exhort all our members who may be rightly called into this or any other service of the church, not hastily to excuse themselves therefrom, but solidly to ponder the weighty advice of the apostle, 'Feed the flock of God, which is among you, taking the oversight thereof, not by constraint, but willingly ; not for filthy lucre, but of a ready mind ; neither as lords over God's heritage ; but being ensamples to the flock : and when the chief Shepherd shall appear, ye shall receive a crown of glory, that fadeth not away.'"

Now, the court will perceive that this constitution of the society of Friends, is not quite so democratic as we have heard. It does not rest in the principle of the perfect equality of every man with every other man. The society of Friends have determined that their society cannot exist without regulation and subordination. This is the best kind of democracy. In the words of a great English poet :

"orders and degrees,
"Jar not with liberty, but well consist."

The notion, that if you get a thousand persons together in a yearly meeting, they are all to be equal to one another—that in such an assembly, the boy is to be equal to his grandfather, we utterly discard.

The discipline points to this very case. It would have been disorderly for any private member to interfere, on his own suggestion, with an accredited travelling minister, who should preach false doctrine : but if the elders disapproved of his communications, every solid Friend would be found to interpose.

What they did, the elders did in kindness. They stated their object, and the points on which they desired explanation. What prejudices have been excited against them on this account ! How many charges Abraham Lower brings against them. But there is no just ground for these charges, or these prejudices. The interposition of the elders was the highest proof of their friendship for Elias Hicks. They saw him far gone in destructive error. They feared the destinies of immortal souls were endangered by his ministrations. They

were watchmen on the walls, to whom the church had entrusted her dearest interests, and in faithful devotion to her claims, they came up to the discharge of their obligations.

"They interfered with Elias Hicks," cries Mr. Lower. They attempted to preach after him, to unsay what he had been inculcating. It was very disrespectful to Elias Hicks, clamour all his votaries, from Ohio to New York.

They did all this, may it please your honours. *They meant to do it.* It was not the impulse of passion; the excitement of the moment. It was a deliberate, settled, unshaken purpose.

And who does not justify every step which they took. What unfaithfulness to God, and conscience, and souls, would it have been deemed, had they silently suffered the poison to spread. Who can tell the evil a man of his eloquence and persuasiveness might have done. Do not let us mince the matter. To stop an infidel is not disrespectful. It is a healthful service. The Scriptures approve it. 'He that rebuketh a man, shall afterwards find more favour than he that flattereth with his tongue.'

It is afterwards, I acknowledge. There may be a great deal of obloquy heaped upon the elders first. There may be a great deal of heart-burning, on the part of the separatists. But I hope they will see the day when they will respect the elders for what they have done. It is the end will crown their labours. They live for the end:—not for the ephemeral triumph of the day, not for the plaudits of the galleries.

We speak it for the elders. They mean to be faithful to the end. And grant me the friends that will be faithful to my faults—that will warn me of danger—that love my soul better than they love my good-will—that will incur my present displeasure in faithfulness to my higher welfare.

Such friends were these to Elias Hicks. Such were they to all his erring deluded votaries.

But the learned counsel has argued that Stacy Decow is not responsible for the doctrines of Elias Hicks. This party is not so well satisfied with his company as formerly. They held to him through life, and they followed the old man to his grave. There was a time when nothing would satisfy them but Elias Hicks. The court will recollect that the galleries would not be silent, till Thomas Wistar, who was attempting to address them, would sit down. Then Willet Hicks rose, and was heard with approbation.

Leonard Snowdon must be dismissed from office, and why? Because he opposed Elias Hicks. And so they clung to him, till they buried him; and when they buried him, they wrote his eulogy, giving him such a character as no other man through life has been able to sustain. Now, they ask, what have we to do with Elias Hicks? Just as much, I reply, as when you called him "the dear old man," and "the good old man." You have made him your head. You must now take him for better and for worse. He was not only the

head of your association, but the heart also; pulsation was quickened or relaxed at his bidding. He was the focus wherein your sentiments were concentrated. If any one whispers a word disapprobatory of Elias Hicks, you will hear Abraham Lower exclaiming against the persecution of the dear old man. This witness, who is an accredited minister in the society of "Hicksites"—the very champion of their cause, places in the head and front of the causes of separation, the disrespect shown to Elias Hicks in Pine street meeting. First vol. Ev. page 354:

"Q. Will you relate what you understand to have been the causes of the division in the society, as nearly as you can, according to dates?

"A. The most prominent cause of a public nature, I consider to be, the public opposition or disrespect manifested by the members of Pine street monthly meeting, by the agency and influence of Jonathan Evans, in breaking up the men's meeting, or closing it, whilst Elias Hicks was, with the consent and approbation of that monthly meeting, engaged in the women's department, in the prosecution of his religious concern. It gave much concern, uneasiness, and dissatisfaction to a large part of the society, who became acquainted with the circumstances, as far as my knowledge extends."

Abraham Lower carries this back eight years. This was in 1819. This he regards as one of the most prominent causes of the separation. How cordially and entirely they must have approved them?—how almost idolatrously must the tenets of Elias Hicks have been regarded, if the most prominent cause of this separation was a disrespect of this kind, offered eight years before the separation took place. The men's meeting had finished their business. Elias Hicks was so eager for preaching, that he must be preaching even where not wanted—in the men's meeting, the women's meeting, and at the fireside. The women's meeting did not want to hear him, and the men's meeting having finished their business, adjourned. Living in a business city, they, after they had finished their business adjourned, that they might go to their counting-houses, and their merchandise: but because they did not sit and count their fingers till it suited him to return from the women's meeting, they brought on themselves the indignation of all his partisans. This speaks volumes. Here is, indeed, a head of a sect. Here is what Barclay had in his mind's eye, when he described a sect as followers of a particular leader, rather than followers of Christ. If ever a man had devoted followers, Elias Hicks could claim them. Here Abraham Lower, a grave old minister, charges it as a grand crime that the men's meeting should adjourn before Elias Hicks had returned from the women's meeting. Elias Hicks, too, forgot the meekness of the Quaker, and sarcastically remarked, that "it was well they had left his great-coat behind." So puffed up was he, that he began to regard himself as a being of superior order. And he almost imputed to Friends a disposition to purloin his gar-

ments, because, forsooth, they went home while he was preaching to the women!

I refer to pages 174 and 175, vol. i. Evidence, and to page 125, same vol.

This, I admit, was in the Westbury quarterly meeting, in New York; but I mean to show a regular combination in New York, Pennsylvania, and Ohio, on the part of the separatists.

There is a passage in the evidence of Samuel Parsons, in page 181, vol. i. to which I wish to call attention. There was some noise and confusion in the yearly meeting of New York:

“Q. When the clerk was about to read the minute prepared in the yearly meeting of 1828, did not many seem to take the idea, that it was a minute of adjournment you was about to read?

“A. A considerable number made calls to that effect, crying out, ‘no adjournment.’

“Q. Was not that an exciting cause of some noise and confusion?

“A. Yes. I think the noise that some made, induced others to increase it, by their example.

“Q. Did not Elias Hicks request the meeting to hear and judge of it?

“A. I believe he did, at one period. I requested him to make a proposition to the meeting to hear me, but the storm had been raised to so great a height in *hissing, shouting, stamping, striking the floor and benches with their canes and umbrellas*, that it was evident it was a more difficult procedure to allay it, than to increase its violence; and, therefore, after the clerk had proceeded in reading the minute for continuing the sitting of the yearly meeting in the basement story of the meeting-house, to a part in which it is stated the Pennsylvania intruders were unsound in principle and disorderly in practice, he then, like his followers, became highly excited, and turning to the clerk, he said, ‘thee is not the clerk of the meeting—thee shall not be allowed to read.’ Then turning to the audience, he said, ‘do not let him read;’ and how faithfully they obeyed this watchword of their leader, is well remembered by those who were present.”

Here is Elias Hicks at the New York yearly meeting. He is well called their leader, and described as giving the watchword.

From page 360 I shall show, on the authority of Abraham Lower, that the Green street monthly meeting was in full accordance with Elias Hicks. He says, “He (Elias) went on and accomplished his visit to nearly all the families of Friends of the monthly meeting; attended the monthly meeting which occurred in twelfth-month, 1822, a very large meeting it was: when it was proposed that a certificate of the approbation and unity with his gospel labours should be furnished him, which was done without a dissenting voice, though two of those elders who had formed this unlawful combination were then present.”

What was the sin Leonard Snowden had been guilty of? ‘The

unpardonable sin was, that he had expressed his own opinion of their great man. He had touched the apple of their eye. So displeasing was the expression of his opinion of the doctrines of their favourite, that Abraham Lower went to the dear old man to persuade him to say something to mollify the meeting. "I entreated him with much affection, which I really felt for him, to say something to the monthly meeting, which might soften the minds of Friends towards him, that we might get together in unity again."

The court will perceive in what light the Green street monthly meeting regarded Elias Hicks.

On page 468, we have another testimony on this subject:

"Q. When was the yearly meeting you belong to opened?"

"A. The second second-day in fourth-month, is the usual time of its meeting.

"Counsel. The question refers to when it was first held or opened.

"Witness. In tenth-month, 1827.

"Q. Do I understand you to say, that since that time, that is, the opening of the meeting in tenth-month, 1827, it has annually convened on the second second-day of fourth-month?"

"A. Yes.

"Q. Where?"

"A. At Green street meeting-house, and at Cherry street house. The men at Green street, and the women at Cherry street.

"Q. Was Elias Hicks in unity with the yearly meeting you belong to, up to the time of his decease?"

"A. I think he was.

"Q. Did he attend that meeting in fourth-month, 1828?"

"A. I am almost always at a loss about dates. I think he did.

"Q. Did that meeting make a minute expressive of their satisfaction with his company and services?"

"A. I think it did—I include his company and services both."

This yearly meeting, after the final separation, among its first steps records a minute of its approval of the ministry of Elias Hicks, and of its *full unity* with him. After he had been disowned by the *Orthodox meetings* of Jericho and Westbury:—and after the publication of his *letters*, they pass a regular minute of their full unity with him.

In vol. ii. p. 167, is the testimony of Halliday Jackson, who was the clerk of their meeting for ministers and elders, which body has peculiar jurisdiction of all subjects relating to the ministry:

"Q. Was Elias Hicks in religious unity with your society until the time of his death?"

"A. We always considered him so.

"Q. Did not your meeting make a minute approbatory of his services among you on his visit to it in 1828?"

"A. Yes, I think they did so; I am not so positive about the yearly meeting, as it had been the former custom to make such minute in the meeting of ministers and elders: I remember it was done

in that meeting, and with my own name to it as clerk of that meeting; and I rather think it was done in the yearly meeting also."

Abraham Lower positively affirms that the *yearly meeting* recorded a minute of their unity with Elias Hicks. Halliday Jackson is not certain of this; but he is sure that the meeting of ministers and elders, of which he was clerk, expressed their unity with him.

The second query on page 82 of the Discipline, is:

"Are ministers sound in word and doctrine; and careful to minister in the ability which God gives?"

And on page 83:

"And it is earnestly and affectionately recommended that ministers and elders watch over one another for good to help those who are exercised in the ministry in the right line, discouraging forward spirits that run into words without life and power, advising against affectation of tones and gestures, and everything that would hurt their service: yet encouraging the humble careful traveller: 'speaking a word in season to them that are weary.' And let all dwell in that which gives ability to labour successfully in the church of Christ, adorning the doctrine which they deliver to others, being examples of the believers in word, in conversation, in charity, in spirit, in faith, and in purity."

This shows the duty of the meeting of ministers and elders, and yet in 1828, this meeting came out and gave notice of their approval of Elias Hicks, and of his doctrines.

I believe that, as I said before, they must take him for better and for worse. We protest against any divorce, now.

In Ev. vol. i. p. 424, Abraham Lower is thus questioned, and thus answers:

"Q. After the elders of Philadelphia had sought a private opportunity with Elias Hicks, and he had declined giving it, did they do anything more in his case than address him the two letters of which you have spoken?"

"A. I was, I suppose, proscribed by them,—was going to say, *had the honour of being* proscribed by them, as well as Elias Hicks, so far as not to be admitted into their secret assemblies held on account of Elias Hicks, and therefore cannot tell all their doings."

Not admitted to their secret assemblies? Why Abraham Lower did, indeed, consider it an honour to be proscribed, as he calls it, in such company.

On page 428, vol. i. Abraham Lower again testifies as follows:

"Q. Am I to understand that the offence of those two elders consisted in their opposition to Elias Hicks, and the doctrines which they understood him to preach?"

"A. No. As I have shown by the discipline, that it became the duty of the monthly meeting to release them from service, when they acted in direct opposition, in combination with others, with whom they *had no business to associate on such an occasion by the discipline, to the monthly meeting.* The monthly meeting, by its over-

seers, treated with one of these individuals, to endeavour to restore him to unity with his Friends. And as I stated in my examination in chief, I had an opportunity with Leonard Snowden myself, in which I expressed my exceeding great regret at the disunity which existed between him and his friends of the monthly meeting; I treated him to do something; say something; that would have the effect to produce that love and unity, that had subsisted between him and we of the monthly meeting. I informed him, he might think as he pleased about Elias Hicks or his doctrines; we were willing he should judge for himself in that respect; he was not asked to condemn his conduct, but that he should say something, or if he would say something, that should manifest his regard for the monthly meeting; I think I intimated, that if it were to this amount, 'that what I had done I thought was my duty, and I had no wish to offend my friends of the monthly meeting;' I think, that was the amount or substance of what I communicated to him. He says, 'but there are *thirteen* other Friends;' here was an allusion to that unlawful combination, I understood it; hence it will be plain, as respected doctrines, there was no disposition to debar him of the inestimable, unalienable right of private judgment.

"Q. If the monthly meeting was not in unity with Elias Hicks and his doctrines, how could the letter of the elders, disapproving of Elias Hicks and his doctrines, be an offence against that monthly meeting?"

"A. Because he, Leonard Snowden and his colleague, acted in opposition to the monthly meeting, after having sat in judgment on their certificate of their approval of his, Elias' services; and he himself, seeming to approve of that certificate, by saying, 'it would do,' when an alteration was proposed in it."

Here is stated a little more particularly, the offence of which Leonard Snowden and Joseph Scattergood had been guilty. After the monthly meeting had signified their approbation of Elias Hicks, they, with thirteen others, signed a testimonial of disapproval of his doctrines, and that gathered on the head of these Friends, the whole wrath of the Green street monthly meeting.

The court will find that, on pages 412 and 413, Abraham Lower admits, that in 1822, the persons who stopped after the meeting for sufferings was dismissed, were censured on account of the doctrines Elias Hicks was promulgating.

He is very reluctant to acknowledge any honest motive on the part of the opponents of Elias Hicks. It is almost always envy, or something else equally bad, that is, in his eyes, the motive for their conduct.

In vol. 1, 425, Abraham Lower admits that a travelling minister may be dealt with by the elders where he comes.

Here he talks sensibly. By and by he tells your honours that it was a violation of the discipline, to interfere with Elias Hicks.

At the bottom of page 431, and at the top of page 432, he admits

that the first instance in which Leonard Snowdon was brought under dealing, was for his opposition to Elias Hicks.

“Q. Was the first instance in which he, Leonard Snowdon, was brought under dealing by any meeting, that in which the overseers of Green street monthly meeting began to deal with him for his opposition to the unsound doctrines of Elias Hicks?

“A. It was the first instance that I have any knowledge of, of the overseers treating with him.”

On page 437 he admits that the displacing of Leonard Snowdon from his situation as an elder, was an unparalleled proceeding.

“Q. Will you state whether you ever knew a case in the society, of a member being thus displaced as was Leonard Snowdon, and if so, when and where did it occur?

“A. Leonard Snowdon's case was a very peculiar one, I think, taking all the circumstances into consideration,—having, as before stated, and as he acknowledged himself, combined with others in a hostile attitude against Green street monthly meeting, plainly indicating disunity with the meeting. I don't know of such another case having occurred,—but some cases I have heard of, I think, where elders have been released, but my memory does not serve me to specify them.”

They did not bring him up for breach of discipline. They did not accuse him of any breach. They *released* him from the duties of his station! And you find Abraham Lower warning a special pleader to justify the meeting in its proceedings, “As he was an aged and infirm man, they relieved him from the *cares* of elder-ship!” They fixed a mark of disgrace upon him, and then made a pretext that it was from kindness to him they deprived him of his office! Abraham Lower admits it was a proceeding without parallel.

So in page 447 Abraham Lower furnishes us with additional proof:

“Q. How many members of the select preparative meeting of Green street, were in unity with Leonard Snowdon, at the time the overseers commenced their proceedings against him?

“A. I think, I stated before, that his wife, Ann Scattergood, Mary Taylor, and if Joseph Scattergood was then living, no doubt they were in unity with him; whether he was then living, I do not now distinctly recollect.

“Q. You have spoken of *three* female members of Green street select preparative meeting, who manifested a disunity with the monthly meeting; will you please to state the acts by which they manifested their disunity?

“A. It was distinctly understood, that they did unite with Leonard Snowdon in that act of his, out of which grew *such a degree of disunity*, as was manifested on his part, as induced the monthly meeting to *release him from his appointment*; which, of itself, was of that nature, as to create in them the same kind of feelings towards

the monthly meeting, as appeared to prevail in Leonard Snowden's mind; one of those females being the wife of Leonard Snowden, another the wife or widow of Joseph Scattergood, the third Mary Taylor, a near connexion of Edward Randolph's, who had signed that paper, which was an indication of his hostility against the monthly meeting of Green street. And circumstances would naturally arise in the transaction of the business, where degrees of disunity might be manifested, on such occasions, so as to be understood easier than I can describe. But particularly in answering the query, 'is love and unity maintained amongst you? is tale-bearing and detraction discouraged?' there would, I think I have understood, on such occasions, be a disposition manifested on the part of some of those persons to lower the answer so as to indicate a want of 'love and unity,' insomuch that I remember to have heard on one occasion of that kind, in reply to some proposition by Ann Scattergood; I think she was told, that if she wished such an exception made, that as the meeting was *remarkably* united, that it should be made, naming herself, and perhaps others of those few, if they wished it, as an exception. The meeting of course, knowing that their disunity grew out of the circumstance of *tale-bearing* and *detraction*, which Joseph Whitall was guilty of; and Comfort and Bell, who were justly disowned for at least a part of their share in such business; and that the party with which they were leagued, were united with those individuals, all uniting their efforts, hostile to the well being, as we understood, of Green street monthly meeting."

Two other elders, Ann Scattergood and Mary Taylor, were displaced. Abraham Lower states that they were displaced for uniting with Leonard Snowden in opposition to Elias Hicks. Neither male nor female were permitted to stand up against him. Neither minister nor elder were tolerated if he or she said aught against Elias Hicks.

On page 364 he maintains that all who were in opposition to Elias Hicks, were in opposition to Green street monthly meeting.

"Of course all who stood in that capacity (of elders) who united with the outrages offered to the discipline, and to Elias Hicks, naturally became parties against Green street monthly meeting, and against the discipline of the society—the harmony, peace, and dignity of the society."

On page 308 we have the evidence of Thomas Evans on this subject.

"Q. Did all the difficulties which occurred in that yearly meeting, and which led to the secession of a portion of the society, originate from the differences of opinion entertained by the society of Elias Hicks, and the doctrines which he taught?

"A. In all the quarterly meetings of that yearly meeting, where any difficulties had existed previously to the yearly meeting of 1827, they arose out of, or were connected with, the controversy respecting the doctrines of Elias Hicks, and were occasioned, either by the at-

pts of his followers, to introduce innovations on the established
ges and the discipline of the society, or to impede the execution
l support of the discipline and order of society to further their
ws."

From the testimony of Thomas Evans, page 309 ; of Abraham
wer, in page 468, which I have before quoted, and in the testi-
ny of Halliday Jackson, on page 167, vol. 2, it is asked, "Was
as Hicks in religious unity with your society until the time of
death?" and he answers, "We always considered him so." It
I appear that Elias was not only in full unity with Green street
eting, but that his sermons were subscribed for and extensively
culated within the bounds of that meeting.

On page 309, of vol. i., the court will find, in the testimony of
omas Evans, that the name of "Hicksite" was given them by
ir leaders :

'Q. Have they acquired to themselves a name by which they
generally known and designated?

'A. They have : from the close and intimate connexion and
ty which has long subsisted between them and Elias Hicks, and
ir approbation of his doctrines and principles, they became dis-
guished from Friends by the name of "Hicksites," in the same
aner as other bodies of professors have been distinguished by the
es of their founders.

'Q. Was this name given to them spontaneously by the commu-
y at large, or was it assigned to them by the society from which
y had seceded?

'A. It was given to them by the community at large, and also
amed by themselves, or by individuals of their own party. The
t person whom I ever heard use the term was one of their party,
the first time I ever saw it in print, was in a pamphlet published
themselves, or by individuals of that party ; I do not mean to
by that *society* itself."

The court may learn the cause from its *fruits*. No sooner *did*
circulate his distinctive errors, than they led to disorder. Hal-
y Jackson says, in page 219, of vol. ii., that "he told a Friend,
t any attempt to put down Elias Hicks, would produce a schism."
d yet they are not responsible for the sentiments of Elias Hicks.
ey heard his communications. They approved them. They
e them their sanction. They directed their anathemas against
one, man, woman, or child, who ventured to say a disrespectful
rd of Elias Hicks, and now they are not responsible for his senti-
nts!

In vol. ii., page 97, in the testimony of the same witness, it is
clared that Caleb Pierce and Isaac Lloyd, were displaced as repre-
tatives of the southern quarter, because of their opposition to
as Hicks.

On page 80, the court will see what Isaac Lloyd said :

'Q. Did not what you call the opposition of Isaac Lloyd, consist

merely in the expression of the following sentences, viz : ‘I unite with what our friend, Jonathan Evans, has said. We never have believed that our blessed Lord and Saviour Jesus Christ came to the Jews only, for he was given for God’s salvation, to the very ends of the earth?’

“A. I recollect Isaac’s remarks were very short, and, I think, that is about the substance of it. I cannot be certain as to the exact language he used. When the meeting broke up, I think Isaac Lloyd gave Elias his hand : for he had not long before that, been a faithful friend to Elias Hicks ; and, I think, when this combination of elders essayed to have an interview with Elias Hicks, at Green street meeting house, Isaac Lloyd accompanied him, as the friend of Elias Hicks ; and if I have been rightly informed, expressed his disapprobation against their proceedings.”

That was all. To give his testimony against this dreadful heresy, was enough to excite the displeasure of the friends of Elias Hicks.

Halliday Jackson states, in page 112, of vol. ii. :

“Q. I understand from what you have said, that this was a subject of much discussion among the members of your party ; from all you know of your own knowledge, or have learnt from conversations with them, was it not the general impression of the members of your party, that all those members of the meeting for sufferings, who were either of that body, whom you call a combination of elders, or united with their proceedings, ought to be released from service ?

“A. I cannot undertake to say what the opinions of a large body of Friends were : but I know, as to myself, and many that I might have conversed with, it was our opinion that those conspicuous individuals, who appeared to have formed this combination, had violated the order and discipline of the society, and had, therefore, in our apprehensions, disqualified themselves, and lost the confidence of the people, as they had formerly stood in the harmonious times of the society.”

Besides this, there are other matters, collateral in themselves, and yet having a direct bearing on the principles of connexion between Elias Hicks and his friends.

In volume i., page 461, Abraham Lower told Elias Hicks “of the conspiracy formed against him.” At the end of the meeting for sufferings, as Abraham Lower says, they were invited to stay to consider his unsound doctrine. Abraham Lower told him all that was done. This faithful follower, thus early evinced the identity of his feelings with those of his leader. On page 474 :

“It was on account of *doctrines* that that body of elders were organized as a party against Elias Hicks, who were, as before stated, a part of that caucus held at the close of the meeting for sufferings. The same individuals who were most active in producing the rupture that then occurred in that unwarrantable attack upon Elias Hicks, and more indirectly, though really, upon the monthly meet-

ing of Jericho, of which Elias Hicks was a member, and had given him a certificate of its unity with him, which of course included their approbation of the doctrines he preached ; and of Westbury quarter, of which Jericho monthly meeting was a branch, and of the early meeting of New York."

I will now show one circumstance, which is of specific character, in relation to the similarity of views of Elias Hicks and his friends. Your honours will recollect the creed, as it has been called. A writer in a Delaware paper had come out under the signature of Amicus, and inculcated deistical sentiments. Friends saw it, and were displeased, yet Abraham Lower says, "Amicus vindicated the doctrines of the society." He tells us, on his solemn affirmation, that Amicus vindicated the doctrines of the society ; though they were so unacceptable to the meeting for sufferings, that they made extracts from the writings of early Friends, to show that they were not the doctrines of the society.

The writer of the essays published under the signature of Amicus, was Benjamin Lewis ; and so well pleased were they with him, that they crowned him with the honour of being clerk of the first early meeting.

William Gibbons, the editor of the Berean, was appointed assistant clerk.

On page 204 and 205, we have some account of the sentiments of the Berean :

"You speak of that paper calling in question the 'divinity of Christ : ' can you refer me to any number of it, or parts of any number, in which sentiments on that subject are to be found more expressive of doubt than this, to be found in the 'Berean,' a work heretofore alluded to by you, where the author, in speaking of ouraviour, says, 'in what manner, then, or by what means, was he made more than man ? I answer, by the same means, and in the same manner that every other righteous, undefiled man is raised above the mere human character.' [Berean, vol. ii. p. 258.] And again, 'Will it be presumed that God, whom the heaven of heavens cannot contain, whose presence fills the whole universe, abode in his likeness, literally in the man Jesus ; can it be supposed that he, of whom it is declared that he was limited in knowledge, power and action, possessed absolutely the Spirit of God without measure ?' [Ib. 259.] And a variety of other sentiments of a similar character, in the same book, such as the following : 'The doctrine, therefore, contained in the chapter under review, ascribing a proper divinity to Jesus Christ, making him the foundation of every christian doctrine, asserting that the divine nature essentially belonged to him, and constituting him a distinct object of faith and worship, is not only anti-scriptural, but opposed to the simplest principles of reason ; and is, in short, among the darkest doctrines that has ever been introduced into the christian church.' [Ib. 259.] Or than may be found in the following sentiments in the 4th vol. of the 'Quaker ;

page 65, viz : ‘ Do the professors of christianity think that that Jesus born of the virgin Mary, is the only Son of God that can give us a knowledge of the Father ? they must be dark indeed : he can do nothing for any of us.’ And which is defended in the ‘ Friend, or Advocate of Truth,’ another work referred to by you, 4th vol. page 45, &c., or the following : ‘ But I do not consider that the crucifixion of the outward body of the flesh and blood of Jesus on the cross, was an atonement for any sins but the legal sins of the Jews ;’ contained in Elias Hicks’ letter to Dr. Shoemaker, which is accorded in, in the following manner, in the 2d vol. of the ‘ Berean,’ page 52. ‘ Whatever redemption, therefore, was effected by the outward flesh and blood of Christ, it could not, in the nature of things, be anything else than an outward redemption.’ And without burthening the record with transcribing any more quotations on this subject, I will refer you to the sentiments of Elias Hicks, as contained in his printed discourses, which are made exhibits in this cause. And on the other branch of your answer relative to the Scriptures, I will refer myself to the quotations made by me yesterday, and to a few extracts from the ‘ Berean,’ which are as follows, viz : ‘ Nothing is easier than to appeal to Scripture, for great names for the authority of a dogma or an opinion, but nothing is at the same time more vain and futile.’ [Vol. ii. p. 209.] And again, ‘ The author refers to the Scriptures as to a *divine revelation* ; there cannot, perhaps, be a greater abuse of terms than this ; never was counsel more darkened by words without knowledge.’ [Ib. 212.] And in his conclusion of this subject in the following words : ‘ It is in vain then that we are referred to the Scriptures as to an acknowledged authority, to determine conflicting opinions.’ [Ib. 401.] Or in these words, ‘ The revelations respecting the nature of God, which were made to the Israelites, are true, when viewed as in connexion with, and having relation to, their spiritual condition ; but to any other state they are not true ; therefore, such revelations abstractedly taken, are not true in themselves ; are not the truth of God ?’ ” [Berean, vol. 1, p. 408.]

In the evidence of Joseph Whittall, in page 216, it is stated that :
 “ A controversy had been carried on at Wilmington, (in the state of Delaware,) in the public papers, between *Paul* and *Amicus*, previous to the fall of 1822. Some time in the eighth or ninth month, as near as I can recollect, of that year, several of the numbers were produced, in which, it was apprehended, the doctrines of Friends had not been correctly stated by *Amicus*, who had written under that signature concerning or in vindication of said doctrine. The meeting, according to former usage, believed it right to prepare something to counteract those misstatements of *Amicus*, with a view to have them published in the book that contained all those numbers, which was then about to be printed. A committee was accordingly appointed to prepare something for the purpose, which they did ; and it was approved by the meeting.”

And Samuel Bettle, in page 71, confirms the statement :

“In the year 1822, there was a discussion in a public paper published at Wilmington, Delaware, conducted under the signatures of Paul and Amicus ; Paul attacking Friends, and Amicus speaking on heir behalf ; and in a manner, too, which showed that he was speaking for the society, clearly. After this discussion had progressed for a considerable time, Amicus avowed doctrines as parts of he christian faith, which we could not accord with ; they appeared to us of a socinian character at least : and these essays, which first appeared in a newspaper, being about to be reprinted in form of a book for a more extensive circulation, and a large subscription being filled for that purpose, it became the duty of the meeting for sufferings, in the regular order of their proceedings, to notice the subject : and they did so notice it by appointing a committee : that committee pursued the usual course in such cases ; they prepared a statement of what were the views of Friends on the points I have alluded to : I was of that committee.”

We will furnish the court hereafter with testimony of the character of the writings of Amicus. At present it is sufficient to say that it would be a singular thing, if all this confusion and division were caused by writings which were simply intended to vindicate the society. The fact is, Amicus did *not* vindicate the society. He was in a false garb, inculcating deistical sentiments, and it was this created dissatisfaction with his writings.

Another part of the evidence is worthy of attention. The court will find, that, wherever the visitations of Elias Hicks were made, namely, in the New York, Philadelphia, Baltimore and Ohio yearly meetings, these discussions have taken place, and nowhere else. Philadelphia was the focus of their efforts. They attempt to carry their point. They fail. They break off. Then follow the quarterly, the monthly, and the preparative meetings.

Wherever Elias Hicks could travel, he perverted the minds of the members on the principles of the society.

I submit to the court that we have shown by most satisfactory and conclusive testimony, that the fundamental errors of Elias Hicks are chargeable on this new party that have gone off with him. What they regard as sound, we regard as spurious ; and it appears from the language of the address of their own yearly meeting, that it was difference of doctrine produced the division.

It is the very head and front of the offence. Doctrines ! Abraham Lower has told us that it was the doctrines of Elias Hicks that were not pleasing. And we have established such a connexion between his doctrines and his friends as will go down in unity to posterity. No power can break a link of this chain, while these memorials of testimony are extant.

I am aware of the false assumptions of the present day. The song is changed, and attempts are made to find other causes for the division. I remember one which the opposite counsel used in the

threshold of his argument, namely, the power of those he represents to withdraw from Arch street and meet in Green street. They have made a point of it. We intend to notice it. If they thought proper to erect a new yearly meeting within the bounds of the old, they can have no claim to our property. Grant that there were other causes sufficient in your own sight. If you exercised your power as you deemed fit, in establishing a new yearly meeting, you have a right to do so; but you have no right to take with you any part of the rights, privileges, or property of the old society.

Several causes of dissatisfaction are mentioned, before we come to the matter of the clerk of the yearly meeting in 1827.

The first ground of dissatisfaction, is the disrespect to Elias Hicks, at Pine street meeting. This I have already examined, and I have shown that it amounted to nothing more than the men's going home after their business was finished. What disrespect was there in this?

The second ground of dissatisfaction is, that the meeting for sufferings interfered with him. I have gone over that ground. But the gentleman says, Elias Hicks had a certificate with him. This certificate could not authorize any man to spread heresy through the land. He came with his certificate as a minister of the gospel. It was his duty to preach the gospel. If a man has power of attorney, it gives him no right to use that power to break down my authority. If he attempts to set up for himself, he acts without and beyond his delegated powers.

But it is alleged, he was liable to be questioned on his sentiments *at home only*. This would be a ready mode of cloaking infidelity. Sirs, *an infidel* may be questioned *any where*. From the manner in which these elders questioned him, he had no right to complain. For they did nothing but ask for explanation. They sought for no public exposure. A private, frank, and friendly interchange of religious views, was all they asked. He refused to grant it.

The third ground of dissatisfaction is, that the meeting of ministers and elders brought a charge against Elias Hicks, with the intention of sending it down to his own monthly meeting. This is stated in Cockburn's Review; and here, let me remark, is a book written by an heated partizan: and it is made evidence, because Abraham Lower says, that in his opinion, it contains a pretty fair account of events. It still remains to consider the character of the evidence. Are all the inflated representations of this partizan writer to be received as evidence? If Abraham Lower maintains it to be a correct statement of facts, let it be affirmed to. On the same principle on which it has been introduced, the whole library of Thomas Paine might be made evidence. The book was published in 1829, after the separation. The author will not admit a good motive in any action of the opposite party. Like Abraham Lower, he attributed all their proceedings to envy, or some feeling quite as bad. He goes over the proceedings in the yearly meeting of Philadelphia,

charging them all to the account of domination and persecution, the part of Friends, endeavours to make them the *cause* of the separation. But the truth is, they were but the *effects* of causes existing and operating long anterior to the year 1827, which gradually wrought out their natural results, and finally, in that year produced the separation.

The court will see, moreover, that in all these operations, till the election of the clerk of the yearly meeting, we were frustrated; for we did not carry one of them. We attempted to stop Elias Hicks. We could not. We wished to have a private interview with him. He was refused us. We made an effort to publish extracts from the writings of ancient Friends. Our effort was not successful. We tried to send a charge against Elias Hicks, down to his own monthly meeting. We were defeated in this. And yet they break off from the society, because we opposed them without success. Strange grounds, indeed, for separation!

Aye, but there was the creed! Now, it is to be observed, that when this creed was brought forward in 1823, it produced no such effect. And yet this is gravely urged by Abraham Lower and Halcyon Jackson, as a reason for separation in 1827. Why did they separate when it was brought forward, five years before? The reason is obvious. They did not then deem it of sufficient moment. Daniel Bettle says, in page 72:

‘When the meeting assembled next morning, it was proposed that the extracts should be stricken off the minutes of the meeting: sufferings: objection was made to that, on the ground that it would be a disavowal of the doctrines held by Friends, these extracts being taken from the writings of approved Friends. Very considerable difficulty occurred in the meeting from the persevering objections of a number of individuals, every one of whom, every individual of whom, for I sat in a position to see and know them have since gone off in the separation. I was at the table as clerk—it was my duty to serve the meeting: perceiving the embarrassment the meeting was in, on the one hand to expunge, and on the other a desire to retain, I arose and stated to the meeting my views and wish to act as its servant; and after presenting to the meeting the state of the case, as I apprehended it at the time, I proposed to them to avoid both difficulties, by simply suspending the publication; not taking it off the minutes, and not circulating the pamphlets, but leaving the subject. This proposition was finally acquiesced in and the business so settled.’

In 1827, when they could not carry their views, then they bring forward the creed. To this they make many objections, but while my friend was reading it, I followed him with my pencil, and found in it but one line, and that unimportant, which was not taken from the writings of ancient Friends, in literal translation. The gentleman says, that in *this* creed, there was not one word on war or oaths. *There was no occasion for a word on these subjects.* They were

not in dispute. The doctrines of the divinity of the Saviour, the atonement, and the inspiration of the Scriptures, were those on which the sentiments of the society had been misrepresented, and these were fully and fairly stated. It was all a pretence. Their objection was not to a creed, but to the doctrines of ancient Friends. Three years before, the poison had begun to operate, and in 1832, they opposed the extracts, as I shall show, on the ground that they would not submit to interference.

Samuel Bettle, on page 72, gives an account of this creed :

“When the minutes of the meeting for sufferings were read, and they are always read, these extracts from the writings of ancient Friends were read as part of them—they were on the minutes: considerable objection was made to that part of the proceedings of the meeting for sufferings. One man said he could not unite with those doctrines; another, that they were contrary to reason, Scripture, and revelation; another went into an argument to show that the Scripture text, to wit, ‘There are three that bear record in heaven,’ was a disputed text; and tried to show that it was spurious.”

Now, I know my learned friend will say, the text of the “three that bear record in heaven,” is a disputed text. Other trinitarians have thought of it as he thinks. But, suppose the text were not in the Bible, the doctrine would remain certain from other passages. In what better language could the truth be expressed? Why then object to it? The Newtonian philosopher mentioned by Mr. Bettle, would, perhaps, object to it, because it did not square with his notions. A unitarian once went to Greece, and spent six or eight months there, in scanning old copies of the Testament, to show that the text was not there. A unitarian would give his library to get rid of that text. They cry interpolation to that, as they cry interpolation to everything that crosses their faith.

Abraham Lower says, that Elias Hicks said, that ancient Friends had not the light to guide them that he had. The light they had, would not answer for him, it was so old. Nor the Bible either, for that was older still. I strike out a new light for myself, exclaimed he. It was the contents of the pamphlet that was the crying grievance, for that did not agree with this new light. It was that caused one person, who was present at the yearly meeting, to say that they could not unite in *the sentiments* it expressed, and another to declare that the *text of the three that bear record in heaven, &c.*, was a disputed text.

Another charge which the separatists have brought against the Orthodox, is that of oppressive conduct towards individuals. They aver, that their proceedings were violent—that they were aristocrats. Who was it led the way in severe proceedings? Look at the treatment of the elders, of Ann Scattergood, Leonard Snowdon, and others. In ten instances, before a single step was taken by the Orthodox towards enforcing the discipline, Leonard Snowdon, Joseph Scattergood, Ann Scattergood, Mary Taylor, and the delegates &

the southern quarter, all discarded ! Never was there an instance in which the spirit of party was more strongly exhibited, or for more trifling causes.

In the New York yearly meeting, the court will recollect the admirable defence made by Thomas Willis and his wife. The gentleman asked, why do you read this ? The reason was obvious; and I thought it carried conviction almost to the hearts of our adversaries. Because Thomas and Phoebe Willis did not agree with Elias Hicks, they were cut off by their meeting.

As I have said, the only-point in which the "Hicksites" did not succeed, was the election of the clerk of the yearly meeting. To effect this, all the meetings that have gone off, doubled the number of their representatives. They added to them fifty per cent., and in some instances one hundred per cent., without giving notice to the other meetings; and having resorted to such extraordinary measures, then, for the first time in the history of the society, we hear of *counting votes* and deciding by *majorities*. It was equally at war with the usages of the society and the spirit of fair dealing.

This was not all. They not only doubled their representatives, but they visited all the subordinate meetings, to prepare them for action.

In vol. i. Ev. p. 265 and 458, and in vol. ii. p. 331, 332, 9, 10, and 120, the court will find that the whole body of "Hicksites" were in a course of preparation for the election of clerk of the yearly meeting.

In vol. i. p. 307, is an account of their endeavour to change the mode of choosing elders:

"One principal means relied upon by those who have since seceded from our religious society, for spreading the doctrines which they in common with Elias Hicks held, was the preaching of those ministers who attached themselves to their party; and as in the constitution of our religious society, the care of the ministers is peculiarly confided to the elders, to reprove and advise them, and also to the meetings of ministers and elders, they were anxious to procure such change in the discipline as should place the eldership more completely under their own control, and enable them to remove such elders as were known to be unfavourable to Elias Hicks and his doctrines; and as the meeting for sufferings also formed an important branch in the constitution of our society, and as a large number of its members were also known to be in favour of supporting the ancient doctrines of the society of Friends, it became an important object with them so to change the constitution of that meeting, as to place it under their control, or entirely discontinue it. Hence, the propositions brought up from Abington and Bucks quarterly meetings, which were made by that party, and entirely carried by them, included such a change in the mode of appointing elders, as should make it periodical, and for a limited time; and also, that monthly meetings should have the power

of removing elders from office, whenever they apprehended they had lost their service. And as regarded the meeting for sufferings, that if it should be thought best to continue that body at all, the appointments should be made entirely by the quarterly meetings, and subject to their removal. A proposition, involving the periodical appointment of all important offices in the society, had been brought up to the yearly meeting from one or both of the same quarterly meetings, I think, two years before."

Failing in this, they dismissed some of the elders. John Comly foments divisions. The evidence on this head is to be found in vol. ii. pages 22, 58, 59, 108, 109.

To show the spirit of the proposed clerk of their party, I refer to passages in which the court will find, that John Comly attended the irregular meetings of the separatists.

In page 137, Halliday Jackson says, in speaking of the conference held on fourth-day evening: "I think it is likely John Comly was there, but have not a distinct recollection of his being with us that evening."

He admits that he attended many of their private conferences.

On page 267, vol. i., it is said, that "On seventh-day morning, a proposition was brought in from the women's yearly meeting for the appointment of a committee to visit the subordinate meetings, for their strength and assistance. This proposal was opposed by those who have since separated; and as the meeting had advanced so far in its business, as to be likely to close at that sitting, some Friends seemed to be doubtful whether it would be expedient to go into the business at that time. While the subject was under discussion, the meeting was informed by a person present, that he had on the preceding evening attended a meeting of a number of individuals, at Green street meeting house; that an epistle which had been previously prepared, was then and there read, proposing a separation from the yearly meeting of Philadelphia; that it was adopted, and agreed to be signed, and that John Comly stated that it would be needful to appoint a committee to carry it down to the families of Friends, and to explain and enforce the necessity and propriety of such a measure; and that the said meeting stood adjourned to the rise of the yearly meeting, at which time John Comly alleged that he should have some important propositions to make to it. The individual also stated, that he recognized in the countenances of many of those, who were now opposing the appointment of a committee in the yearly meeting, the same persons who had attended the meeting the evening before, and taken an active part in its proceedings."

The court adjourned.

Thursday afternoon.

R. FRELINGHUYSEN resumed :

I was proceeding to show the agency of John Comly in promoting the disorders of the yearly meeting, and in further proof I will now refer to a declaration of his own, in which he states that he held out forty meetings with a view to divide the society. Ev. vol. i.

68, Samuel Bettle says, "John Comly, who is now clerk of the 'licksite' meeting, told me that he had held about forty of those meetings, with a view to divide the society. I asked him, as this conversation was perfectly confidential, whether I was at liberty to say that it was for the purpose, and with the view to divide the society. He said I was at liberty to say so, and requested me to add, that he wished it to be done in a peaceable manner."

Now how does this correspond with all those pretensions, which we have so often heard our opponents make, of their anxiety to preserve the society in unity and peace? To accomplish their real design, which was to separate and not cement, to destroy and not preserve, they could not have selected a more suitable agent than John Comly, and they accordingly determined to bring every effort to bear upon his appointment to the important office of clerk at the ensuing yearly meeting. We have already seen how essential would be the application of such peculiar powers as those with which the clerk is vested, to a crisis of this kind, and accordingly upon his nomination, so pertinaciously determined were they to put John Comly in that office, and so confident in their numbers, that when they found there was a strong opposition manifested towards him by many of the most respected members, they proceeded to the irregular course of taking the sense of the meeting by *vote*. It is well known that this society never determine the prevailing sense of any of their deliberative meetings upon this principle. There must be at least a *unanimous* unanimity in all their decisions. In this case, however, our opponents proceeded to arrange themselves on one side of the house, the supporters of John Comly, and thus placed us in the unwilling position of virtual parties to this mode of decision. Our Friends strongly protested against this measure, and the sense of the meeting against it was too seriously expressed to admit of its being adopted. It has been said that Samuel Bettle, the old clerk, should not have been put in nomination—because many persons wished his removal from the office—but I would ask, who was John Comly, that he could have been proposed? since it was well known to many that he had, of all others, been most active in preparing the means of destruction. Indeed, so deep was the conviction of the impropriety of his appointment, that violent and repeated as were their efforts, they failed to secure it, and the former clerk remained until he should be regularly relieved. There is not, indeed, a particle of evidence to show that there was a majority in favour of John Comly; and that either the fact nor the principle was then considered sound even by

his partizans, is evident from the circumstance of their having concurred in various measures which subsequently came before the meeting. Openly, they appeared to consider him merely a member of the society, but covertly and in the night, they considered him their officer. All the acts of that meeting received the sanction of those very persons who have since declared they then considered it dissolved by the domination of our Friends over their election of the clerk.

This brings me through the first great point in the case—the voluntary departure of this party from the fundamental doctrines, discipline, and eventually from the communion of the ancient society of Friends. What then is the legal consequence? We profess to believe as the original founders of this society believed. They refuse to show their opinions, notwithstanding they have separated from the original body, and yet claim the property which was put in trust for the use of that body exclusively. Your honours will recollect the clear argument of Judge Drake upon this point, as mentioned by my learned coadjutor—that each of these divided parties having claimed to agree in doctrine and discipline with the original society, and this very fact being an essential principle in the question of right to the control and use of the fund in dispute, it is incumbent upon each of the parties to make out their case, if they would stand upon equal terms on this question of doctrine. This, however, they refuse.

I will readily subscribe to the principle, that every man has an unrestricted right to believe or to disbelieve, to express or to conceal any and all religious opinions, as he thinks proper. I cordially admit the free and uninterrupted range of liberty of conscience, with which we are blessed under our happy form of government; but when property and certain conventional privileges are made to depend upon certain forms of faith, and recognized doctrines, those who disavow those doctrines, do, in withdrawing from the society which professes them, leave all their conventional rights and privileges behind them. We impose no check upon conscience, but we do demand that its free exercise shall not deprive us of our rights, nor force from our guardianship a property, which was given us in trust for our society, and which attaches exclusively to us.

Let us review the facts connected with their process of establishing themselves as a distinct and separate body. On the evening of the second day of the yearly meeting week, a number of them held a conference at the house of one of their friends in Philadelphia—it was proposed that at the sitting of the yearly meeting on the following morning, they should seize the clerk's table and books, but some of them objecting to that violent course, it was agreed that John Comly should make his proposition for the dissolution of the yearly meeting instead. By the minutes of their separate meeting published in connexion with their epistle of fourth-month, 1827, it appears that they held a meeting at Green street meeting house, and there agreed to issue that epistle in which they said, that "the unity of the yearly

meeting is broken, and that a division exists among them, developing in its progress views which appear incompatible with each other and feelings averse to a reconciliation; doctrines held by one part of the society, and which we believe to be sound and edifying, are pronounced by the other part to be unsound and spurious; and from this has resulted a state of things that has proved destructive of peace and tranquillity, and in which the fruits of love and condescension have been blasted, and the comforts and enjoyments even of social intercourse greatly diminished;" and that "under a solemn and deliberate view of this state of their affairs, they feel bound to declare, upon a settled conviction of mind, that the period has fully come, when they ought to look towards making a quiet retreat from this scene of confusion." This meeting having adjourned to sixth-month following, they again met, and issued an epistle, in which they say, "we therefore have agreed to propose for your consideration the propriety of holding—" What? The yearly meeting of Friends in Philadelphia? No—but "a yearly meeting for Friends, in unity with us, residing withing the limits of those quarterly meetings heretofore represented in the yearly meeting of Philadelphia; for which purpose it is recommended that quarterly and monthly meetings which may be prepared for such a measure, should appoint representatives to meet in Philadelphia the third second-day in tenth-month, at ten o'clock in the morning, with other *members favourable to our views*, there to hold a yearly meeting of men and women Friends."

The meeting did accordingly convene, and assumed the name of "the yearly meeting of Friends in Philadelphia." Thus was the new yearly meeting formed, not only within the jurisdiction of the old one, but in the same place with it, and in the month of November instead of April.

Having thus begun by establishing a new yearly meeting, they proceeded to form other subordinate ones, thus breaking up all the established institutions, order, and discipline of the society. The monthly meeting of Green street, where they had the control, attempted to separate itself from the quarterly meeting of Philadelphia, of which it was a constituent part, and to which it was subordinate and accountable, and applied to the quarterly meeting of Abington to be received as one of its component monthly meetings. The seceders, having also the control of this Abington meeting, the monthly meeting of Green street was received into it as requested, although the quarterly meeting of Philadelphia remonstrated by its committee against so disorderly and unauthorized a measure. The clerk of Abington quarterly meeting declined to make a minute of a measure so contrary to the discipline, and one of the leading seceders of that meeting was called to the table to make it. In the monthly meeting of Radnor, which was also a constituent part of the Philadelphia quarterly meeting, and subordinate and accountable to it, the seceders made a similar movement, and were then also received. A large number of seceders, members of the four monthly meetings in

Philadelphia, applied to the monthly meetings of Byberry and Darby, where their party had the control, to be received as members, and contrary to all the usages of the society, as well as to its discipline, which recognizes no mode of transferring the right of membership but by the certificate of a monthly meeting, they were so received, although some of them were regularly under the care of the monthly meetings to which they belonged, for disorderly conduct. Byberry monthly meeting which was also under the control of the seceders, made an inroad upon the limits of the Philadelphia monthly meeting, and set up a meeting of their new society for worship, within its limits, which was composed of persons who were regularly members of that monthly meeting and of the other monthly meetings of Philadelphia. Darby monthly meeting acting in the same unauthorized and unprecedented manner, made a minute sanctioning the establishment of a meeting of their new society for worship, within the limits of the western district monthly meeting of the society of Friends, to be composed in part of its members, and appointed a committee to attend its opening whenever a suitable place might be found.

The quarterly meeting of separatists at Abington, authorized the establishment of a monthly meeting of their society within the limits of Philadelphia monthly meeting, and the assumption of its name, although it was then in existence, and had been regularly held for nearly one hundred and fifty years. The yearly meeting of the new society held in fourth-month, 1828, authorized the establishment of a quarterly meeting of their society in the city of Philadelphia, assuming the name of the quarterly meeting of Friends of Philadelphia, although the latter was still in existence, and had been regularly held for more than a century. These proceedings were of course all subversive of the discipline and constitution of the society, and altogether unparalleled in its history. That they were contrary to its established discipline, has been admitted by all, and the only principle upon which they have been justified is, that the new self-created meetings were received within the jurisdiction of the old ones upon the same principle, to use the words of Halliday Jackson, "that Friends in Pennsylvania would receive a poor runaway slave, who might have escaped from the hands of a tyrannical master, in one of the southern states." (Evidence, 2d volume, page 170.) Abundant evidence illustrative of the discipline of the society upon the subject of these meetings may be found on the following pages. (Evid. vol. i., pages 169, 115; vol. ii., 263, 148, 279; vol. i. 219, 221, 336, 270, 254, 206, 252, 259; vol. ii. 284; vol. i. 336; Book of Discipline, page 35.)

Now, it is an admitted principle, that a body cannot divide against itself. Any division in a society so absolute as this is shown to be, destroys the integral character of that society only so far as it respects the portion of its former numbers, who have forsaken it; its identity remains the same. And if it therefore exists

and has any authority at all, that authority must be supreme, for it is essential to every kind of government that its supremacy be admitted. If one of the members run off another may with equal right, and there would at once be an end to the security of every social and religious community, if the right of secession were allowed to affect the rights of those who remain. In the following parts of the evidence the principles of subordination by which this society has ever been regulated, are clearly elucidated. (Evidence, vol. i., pages 132, 262, 272, 376, 378, 379; vol. ii., 385, 372, 373, 374, 346, 356; Book of Discipline, pages 97—98.) So the court perceives, that all the other meetings are subject to the supervision and care of the yearly meeting. And this power does not depend upon place, either in our society or in any other thus similarly constituted. Thus the general assembly of the presbyterian church at Philadelphia, the episcopal convention in New York, and the Dutch synod in Albany, have their respective jurisdictions throughout the union. So the glorious Declaration of Independence.

But the separatists say, "we throw ourselves upon our reserved rights—our right of separation is not denied; and do we forfeit one right by the lawful exercise of another—shall we forfeit our temporal privileges by exercising our unquestionable liberty of conscience?" This partakes strongly of the arguments of our southern brethren of South Carolina, who forgot, in the democratic zeal of their claims for state rights, that there were also rights held by the great community of her sister states, on which her own were dependant—the social compact which invested her with her rights, had an indefeasible claim upon her fidelity to the union by which she was created, and which accordingly destroyed her right to secession. But we do not deny the right of secession to this party, we only deny that they can exercise this right to the injury of those who do not choose to secede. Suppose South Carolina had carried her point, would she have been allowed a claim to the noble domains of the west, or her share in the public stocks of the union—she might have urged the common and patriotic sacrifices of her sons in the revolution—of her Marions, and Sumpters, and Haynes; but would it have availed? No—would have been the indignant reply of every American! She has madly rushed upon the horrors of fraternal war! Let her return to loyalty and duty, if she would share in the blessings of our union!

But the established regulations of the society of Friends itself, are most explicit upon this subject of the tenure of property. Property belonging to this society is vested in trustees for the use of the society to which it exclusively belongs, no individual possessing any fee in it; hence if an individual, who is a member of a meeting possessing property worth only a few hundred dollars, removes into a meeting which owns estate valued at as many thousands, on producing a certificate from the monthly meeting where he formerly resided, and on its being received by the meeting into which he has

removed, he becomes entitled to an equal right in the property of this meeting, with any of those who were members before he removed into it. And this holds good, although the property may have been created by the voluntary contributions of those who were members of that meeting before he removed within its limits. So also the poor of the society who are maintained at its expense, and who do not contribute anything to its funds, have an equal right in the property of this meeting with any other of its members. This arises from the fact that the property belongs exclusively to the society. Thus, when a meeting, either by the death or removal of its members, becomes extinct, the property falls under the care of the superior meeting. And where a meeting is laid down, and the members become attached to any other meeting, the property would follow them in order to preserve their rights in it, and at the same time they would become possessed of a right in the property of the meeting to which they were attached equal to that of any of its other members. The society of Friends in all parts of the world is a unit. Hence, an individual who resides in the most remote section of America, applying to his monthly meeting, and procuring its certificate of his membership, if he remove to any part of Europe or of this country, where there is a monthly meeting, becomes entitled, on his reception into it, not only to all the ordinary privileges of membership, but to an equal interest in the property of that meeting with that of any other of its members. So, on the other hand, whatever may have been the standing of an individual in the society, or however largely he may have contributed to its funds while a member, as soon as he is disowned, his rights in the property cease; he being no longer a member of that body to which the property exclusively belongs. Thus have the separatists become divested of the least foundation for their present claims by the operation of an established and unquestionable law of the society from which they have departed, and they might run their democratic analogy to time's end without developing a point which could possibly affect the justly balanced principle of equity which this regulation maintains.

But there is another principle which operates in this case not less invincibly. This property was deposited for a certain specific and sacred trust which its guardians can never violate by conceding to the proposal that the property be divided. It was entrusted to them for the education of the children of the society in the doctrines of the sacred Scriptures as believed by the society of Friends. For this purpose it was set apart, and for this purpose it must be applied; nor will this honourable court ever sanction its desecration to any other. It was not devoted to the purpose of teaching the infant members of this pious community, that the sacred Scriptures, on which their fathers founded their firmest hopes, and from which, as from the rock of life, they drank the pure streams of spiritual consolation, were now grown too weak to sustain a rational hope; were now too exhausted and dried up to slake the thirst of intelligent in-

irry ; and altogether too old to be of any use in these days of superior illumination. It was not to teach them that the divine author of their redemption, before whom their fathers bowed, who bowed to man, was the son of Joseph the carpenter, and must not be an object of their homage. No sirs ; it was not for the inculcation of fidelity like this, into the minds of their offspring, that they founded this trust, and I pray you call them not from among the dead to protest against this attempted violation of their solemn conscience.

The property here bestowed is not to be subjected to the laws which regulate commercial engagements. It is not a matter of covenant between parties for purposes of business which might be diverted by the uncertain current of commercial enterprise, but is a solemn appropriation in trust for an object of permanent duration. What should we think of a noble charity being diverted, for sectarian aggrandizement, by the vote of a majority of its trustees? A principle no less sacred than that which effects the simplest contracts between man and man, binds it in inviolable security. The principle is of universal application. It extends to our social relations, and to political associations. A child, or a wife, may depart from the domestic circle, but they can take no rights, as against the husband or father with them ; these are left where only they can enjoy them—within the boundaries of that hallowed circle. The township of Trenton has, I suppose, public property ; and can yonder corner break off, assume an independent existence, and claim its share of that property, after it has thus placed itself beyond the pale of the township? Were such a doctrine to receive the sanction of legal decision, the coffers of social beneficence would never more have a lid upraised ; every lock would remain unopened, and not a dollar would be risked upon a tenure so frail. The suggestion that this is not an incorporated religious society, does not impugn their rights, for the incorporation of religious societies does not give rights, but is merely intended, the more readily and certainly to ascertain and preserve them. The society of Friends, like all other religious denominations, is entitled to the protection of law without being an incorporated society. There was a long period when Dutch churches were not incorporated, and when their property was held by some individual or individuals in trust for the society. Our law recognized this tenure, and protected it thus held. Suppose it were true that there existed no systematic organization among Friends, and that this pure democracy subsisted. Yet they are, and have been, in special religious connexion for many years. Whatever may have been their forms of association, the fact of union and harmony, has been a broad and admitted reality. They have been esteemed for their pacific distinctive religious existence as a body of men, and as such, now ask the protection of the law and courts of the country ; and whether the principles of their association are more rigid and close than those of other religious denominations,

our law will apply its protective care to them just as they are. It will adapt its remedies to their condition, and so administer them as to shield us from the consequences of those disorderly attempts which have broken in upon a peaceful community, and by heresies in religious faith and departures in ecclesiastical government, have sought to subvert the very foundations of its existence. And of what force, in this case, is the principle, supposing it to be founded in fact, that a majority of the members of the society are the agents and parties in this subversion? Here the majority principle is the great wheel which gives motion and power to the whole mechanism of our happy government, but it is not this principle alone which preserves it in harmony and strength. The authority with which the voice of the majority invests the laws, is supreme above that which created it; and holds the reins which guide the very energies that sustain it. Without this power, paramount even to this extolled majority, what would sometimes protect us from ourselves? Under the excitement of a popular leader, as in the case of these revolted members, and unarrested by principles of subordination to the laws, the noblest fabrics of civil and religious order would often fall before the whirlwinds of infatuated majorities.

The supremacy of the laws is essential to the very being and order of every government, whether civil or religious; and so important is some wholesome check to excitement deemed, that even in our democratic constitution a single individual, the president of the United States, may place an effective negative upon any act of the highest and most powerful majority known to the United States. It is our boast, that under heaven we know no master but the *law*. To *that*, however, let it be remembered, every good man submits. But the last subject on earth where mere majorities should prevail, is religion. Where stood majorities when the fountains of the great deep were broken up, and the windows of heaven were opened? Who then were for God, and who against him? Where stood majorities when the cry of an ungodly throng rose against the Redeemer of men, and "crucify him, crucify him" drowned the voice of justice, truth, and righteousness? Sirs, majorities would have blotted religion from the earth long ago, could they have prevailed.

"Numbers are no mark,
That men will right be found."

We insist, therefore, that however the numerical strength of parties may be, that by the well settled principles of our law, when the "Hicksites" broke off from the old yearly meeting, they left with it all the rights and property which had before belonged to that yearly meeting.

I will now beg the court's attention for a few moments, to the consideration which our temporal courts have given to these interesting questions.

Courts of law may take cognizance of religious faith and practice, whenever these affect the rights of individuals or communities to temporal property. Whenever temporal property is either founded upon, or regulated by religious government or doctrines, these become the subjects of civil jurisdiction.

The society of Friends acknowledge certain great principles of religious faith to be essential and fundamental. We have seen, that if any member depart from these, he will be disowned, be disrobed of membership, and cease to be a Friend. Therefore if a community of members depart in a body from these principles, they possess not the traits of membership, and belong not to the society of Friends. That which would lawfully cut off individual members will bar the door effectually to the fellowship of any body, however large, advancing pretensions to the society of Friends and denying their faith. This principle of law encroaches on no rights of conscience—it leaves religious opinion free; but it denies to profession what practice contradicts. It will not give the peculiar privileges of a Quaker to an infidel or a s. cinian. It will not hold property devoted to a true church, for the use of a church that has abandoned its faith. This is so far from invading the rights of conscience, that it cherishes their best interests and subserves their protection; Orthodoxy, therefore, is a lawful rule of property. Our law cannot shut its vision from the glaring truth, that spiritual churches and orders are instituted and preserved for the purposes of religion. The worship of our Creator is a duty recognized by human law and protected by its power. But it follows not, that a court of law is hereby made a synod to settle metaphysical points of disputed theology; for in this case there is a grand radical principle denied, and the very root and foundation of christianity renounced. Here are the faithful friends of this principle seeking protection in the truth from its enemies, who could, notwithstanding their infidelity, retain those temporal privileges given to the church as a christian church. For suppose a gift of lands made to a christian congregation of presbyterians or episcopalians, and a part should break off—even a decided majority—and violently possessing themselves of the real estate of that church, and erect on it altars to Baal or to Juggernaut, would not a court of law hear this case, and adjudge against this heretical party? It may be said, this is a strong case, but it illustrates the great principle in 9 Mass. Rep. p. 277.

The lands were not acquired for such worship, their use is perverted, and must be restored; so that those who deny the Saviour and rob him of his glory are not of the number of those for whom the society of Friends acquired this property. But independently of apostasy from the faith, how stands this question in reference to the ecclesiastical discipline and authority which they have violated? We have shown a yearly meeting in Philadelphia, established for more than a century and a half, whose meetings have been, during *that long period to the present day*, held regularly according to the

adjournments recorded on its minutes. We have shown that in its doctrines and in its discipline it conforms to the faith of the Friends as contained in their books of religious instruction, in the preaching of their ministers, and the conversation of their members. We have shown that the "Hicksite" party have separated from this yearly meeting in the spirit of discord, and formed a new yearly meeting, covering the same ground of jurisdiction, and meeting at an irregular season.

Now, the naked question is, who retains the property? which must be regarded as proprietor? We approach the court with the exhibition of name, character, faith, practice, and time of meetings, all corresponding with that identical society which acquired the property it thus exhibits its claim to hold. And who disputes our claim thus securely founded? Why, a knot of schismatics, formed out of disappointed materials, that have broken, or been cut off from the ancient stocks; a community of irregular members, most of them disowned, who have renounced the Bible and denied their Saviour, but who have usurped the names and attributes of Friends, and would take from them the funds of a regular christian society who acknowledge the word of God as their guide, and the divine Redeemer as their only hope. If individual members by a denial of these doctrines lose the character and privileges of Friends, can a whole body abjure them for dangerous and destructive heresies, and yet entitle themselves to the privileges and property of this religious society? In a word, can an infidel community, a congregation of free-thinkers, claim and enjoy the ecclesiastical rights appertaining to a christian protestant church? It is a conservative principle sustained by the law of self-preservation, and must be enforced, or no society can possibly subsist. This inflicts no violence upon conscience. It only counteracts hypocrisy, and refuses to tolerate a man's claiming the benefits of an association to the principles of which he is hostile. That the property must remain where it first attached, is supported by numerous decisions. 9 Mass. 277. Here a court of law took cognizance of an ecclesiastical case, approved the grounds of its decision, and sustained them. 4 Mass. 539. If a part of the territory and inhabitants of a town, be separated from it by annexation to another, or by erection of a *new* corporation, the *former* corporation still retains all its property, powers, rights, and privileges, and bound by all its contracts, &c. 10 Mass. 97. The estate in lands appropriated to the benefit of a parish, or religious society, by whatever description incorporated, remains with the *residue* of the original parish, or society, and is not, in any manner, transferred, or distributed, by a separation, or change, among the members, or in the territorial limits of the corporation. 15 Mass. 464. Although a *majority* of a town become members of other denominations or persuasions, yet the lands go to the minister, who is of the order of the minister that was first settled, or when the lands first vested. To the same principle, 16 Mass. 488; 3 Mex. 352;

Blighs. R. 529. We have a course of uniform decisions in our own state, that fully supports the positions on which we have relied. I will briefly advert to them : about the year 1800, a bill in chancery was filed by the presbyterian congregation of Metuchin, against the presbyterian congregation of Woodbridge, both in the county of Middlesex, for its share of the church property. These congregations had, some years before, formed but one, and that was Woodbridge—and when so subsisting, as a united society, the property in question was acquired. Metuchin had afterwards, and with the consent of Woodbridge, separated from it, and formed a new presbyterian congregation. Here, then, was a new society formed, without any departures from faith or discipline, and it deemed its claim a very strong one, in a court of equity, to its just proportion of the church lands and property. But the court of chancery, after elaborate argument, decreed against its claims, and this court of appeals affirmed the decree of the chancellor.

The next case was also in chancery. *Pompton against Pompton Plains.* These were two Dutch reformed congregations, that had worshipped together, and acquired property together. Pompton Plains was the elder church, and after an amicable separation, solely for the purposes of the more convenient administration of religious services. Pompton claims of Pompton Plains a part of the estate. The chancellor decided that the property vested in the congregation, that was *first* formed ; that this estate was a trust held for religious purposes, and devoted to the uses of that old church and congregation.

That the rights of individual members, or any greater portion of the congregation, were subsisting only so long as they continued *members* of the old and first society—that they could have no claim on the property except by reason of their *membership*, and when that ceased, all rights to any part of this trust-fund ceased also, and he accordingly decided against the new congregation and dismissed their bill.

The next case was in the supreme court of New Jersey, usually known as the Amboy church case, cited by my colleague, where the court adjudged, that those members of that church, who refused to conform to the rules and usages of the presbyterian church, could not have a voice in the election of officers.

The last case in our state, is a very strong one on the second point raised in this cause—it is reported in 7 Halstead, where, in the Dutch reformed church, a new organization of church judicatories had been created, within the bounds of the existing church. It was denominated the true reformed Dutch church, and professed to be regulated by the same discipline, and to conform to the same religious faith with the old church—but it was a *new society*, that had detached itself from the parent stock. The supreme court, with entire concurrence of views in all the judges, decided, that the property in dispute, was a trust held for the old church, and could not be diverted to other objects, or applied to other interests. That the true

reformed Dutch church might separate; but when they left the ancient society, they left behind all the privileges, rights, and property which appertained to that society, before their separation; that the fund was an entire one, and could not be cut up, with any division of the original church into fractions, and gave judgment against the new society. Thus your honours perceive, that by well considered adjudications, we have really established a common law upon this momentous subject. In our three highest tribunals, the court of appeals, the chancery, and the supreme court, this great rule of peace and order, has been applied to other christian denominations; and is it now, after thirty years experience of its salutary benefits, to be disturbed? I trust not. For if it be, the security of every religious, charitable, and literary institution in the country, will be shaken. Hence it is, that your deliberations are regarded with such intense interest and concern; and I must cherish the humble confidence, that the decree to be rendered, will only tend still further to strengthen the foundations of truth and virtue, religion and order.

The counsel and witnesses in this cause, have adopted a strange course of reasoning. Suppose the disorders of which they so unjustly complain, really existed, do they furnish reasons for separation? They are breaches of discipline, reply the gentlemen! Why then, enforce your discipline; bring its wholesome rules to bear upon the delinquent, and the transgressor. Oh! no! says Abraham Lower, we must break up; discipline is not made for revolutions, but for quiet times.

Sirs, this book *was* framed for troublous times, it was the palladium to preserve the fabric in seasons of peril and of storm. That crisis has come; the tempest has broken on their heads, and driven its tumultuous billows all over their quiet resting places, and among their vines and fig-trees. The tried and faithful followers of this faith, have gathered round their principles, and to these, as to a tried anchor, they have fastened their hopes. Thus far their trembling bark has met the storm, and still rides upon its loudest billows; and I trust, through that Good Spirit who controls the warring elements, and the aid of this honourable court, that it will soon be borne into the haven of peace.

The court adjourned.

Friday morning.

MR. SOUTHARD, in behalf of the appellants:

It is not my practice, as your honours well know, while representing the interests of my clients, to bespeak from the court their favourable attention, either for my cause or for myself. But surely, in this case, I might be permitted to depart from my usual course.

The principles here involved are of such magnitude as to affect not the parties before the court alone, but the interests of thousands of our fellow citizens to an indefinable extent; and not for the present time only, but the time which is to come. Their importance is shown by the agitated countenances of the multitudes, who, day after day, for twenty successive days, have listened with solicitous attention to the proceedings.

It will not appear strange if, on such an occasion, I declare, that the argument is a burden, which I feel that I am not now fit to bear. Nor is my difficulty diminished by the manner in which those opposed to me have conducted the discussion. They have shown an ingenuity, and power in argument, conjoined with a manly, admired, and sympathy-exciting eloquence, which may have been equalled on former occasions, but which have not been surpassed. I should despond if not sustained by a confidence in the strength of my cause as exhibited by my coadjutor. The grounds which he maintained have been assailed, but have not been overthrown. They remain my refuge and my clients' defence and hope.

In the investigation of the question, I shall endeavour to separate the disciplinary from the religious matters. Unless we keep them distinct, and carefully inquire *first* into the facts, instead of the religious questions, our views will necessarily become confused and uncertain.

I first ask attention to the *subject matter* of the controversy. It is part of a *school fund* which *Friends at Crosswicks* provided for the *education of their own children*. It was created in the year 1792. It was created by a subscription of the individuals living in that neighbourhood, and belonging to one association. In the year 1795, it was increased by another subscription, of the *same* individuals. None living out of that particular neighbourhood were contributors. It was further increased by a portion of the quarterly meeting stock, which was of the same character as the subscription. The quarterly meeting had a stock created by the subordinate branches, or rather by the members of the subordinate branches, which stock, not being called for by the necessities of the quarter, was divided among the subordinate branches, in proportion to their contributions. It was thus a returning back of its own, when it came to Chesterfield, and not a gift from others. It was not a donation, it was not a gratuity, but a return of money contributed by themselves and which was not wanted for the purposes for which it had been contributed.

A small part of the fund was also derived from the sale of a meeting house in Burlington belonging to the quarterly meeting: but, as that meeting house had been erected for the use of the quarterly meeting by the members of the subordinate meetings, it belonged in part to the subscribers to the school fund in Crosswicks. 3 Gough, 129, 130. Thus, the whole fund was created by the people living in Crosswicks,

and for purposes in which *they only, and not others, had an interest.*

Forty-two subscribers gave	-	-	-	£ 425	8	4
Quarterly meeting stock	-	-	-	54	18	4½
				<hr/>		
				£ 580	6	8½

Nor is this fund of the character given to it by the first learned counsel who spoke on the part of Joseph Hendrickson. He described it as a trust, having all the honours of antiquity about it, and as if those who formed it were long since in their graves. It is not so. It was created in 1792, and eight of the subscribers are now living there, and essentially concerned in this controversy. 2d vol. Evid. Appendix 470. The children of many of the others are also now living, and were living when the fund was created for their individual use and benefit. We do not debate about a fund derived from antiquity, but about *our own fund*, created by ourselves. And the question is, shall we be prevented from using our own money, upon an allegation, that the principle of law will thereby be violated, which declares, that trusts are not to be perverted from their original purposes.

It will be perceived that a large portion of the remarks of the counsel, were calculated to mislead. It is a fund, as we have shown, which *we* have created. The objects for which it was created, we shall see presently. The inquiry is, how is it to be used, and who has a right to use it?

The *objects* of the fund are stated in the instrument by which it was created. That paper has been frequently read, and it is not necessary to repeat the terms or uses which are found in the face of it. But it is evident it has more objects than have been looked at by the opposite party. It is not a fund for the *education of the poor alone*. It is not a fund which can only be touched for purposes of charity.

I admit that it is for the education of the poor *to a certain extent*: but it is also *for the support of a school in which others are educated*. That school at Crosswicks was not created by this fund. It was in existence before this fund was subscribed; and the *first object* of the subscription *was the support of that school*.

It is to be paid "to Samuel Middleton, treasurer of the school in Crosswicks aforesaid, on, &c., or to his successor or successors in office." Ev. vol. 2, p. 412.

That school then, was already in existence, and it was for support of that school. Now, was this fund intended for the poor alone, or for all who in that particular society contributed to its formation?

The instrument says:

"The interest or annuity is to be applied to the education of such children as now do, or hereafter should belong to the preparative meeting, whose parents are not, or shall not be of ability to pay for their education."

Is that the whole object of the fund?

‘In case the whole, or any part thereof shall not be wanted for such purpose, then, and in that case, the said interest or income, or such part thereof as shall not be so wanted, is to be applied to such other uses of the said school or schools, now, or hereafter to be erected, by the said meeting, as the said trustees now, or hereafter to be appointed, or a majority, to consist of not less than five of them, shall think, will best answer the design of the institution.’”

A part was to be devoted to the education of the poor. If the whole was not wanted for this purpose, then it was to be devoted to the education of the children of the subscribers. Suppose an instance, and that an improbable one, in which there should not be one person in the society in that neighbourhood so poor, as not to be able to educate his children. Suppose none required the assistance of the fund, is it not to be used? On the face of the instrument it was then devoted to the education of the children of the subscribers. Probably that was the fact at that time, and perhaps afterwards, that there was not one member of the meeting who was not able to educate his own children. It is so in many meetings in this society. My conclusion, then, is this. This is a subscription for the benefit of the subscribers and their children; not such a trust as has been argued on the opposite side. It is not devoted to charitable uses, and to charitable uses only. It was intended for the education of the children of the subscribers, and the support of their own school then in existence, which they had created, and which it is not pretended that any others have right to direct or control. The books and authorities quoted by the opposite counsel, do not, therefore, apply here. It is not necessary to go back to the civil law, and the comments on the statute Elizabeth, to learn to whom the fund belongs, and should be adjudged. It belongs to us, and we have as much right of control over it, as over our other property. There is in the subscription no mission that other persons are to be benefited by it, or that it is to escheat in any event, and go to the good of the country, or of the society, or to any other persons there or elsewhere.

The fund was created by the members of the preparative meeting, Crosswicks; and the surplus is now in possession of a treasurer of that preparative meeting. By the terms of the subscription, (Appendix, p. 412,) the treasurer of the preparative meeting of the subscribers, was to hold and put out the money, as the trustees, or a majority of them should direct him. How then was the treasurer to have possession? the answer is, that he was a mere agent; and if the money was to be loaned, he was to take the instrument or obligation, but could not dispose of one dollar by his own motion. Everything was to be under the control of the trustees; and when money was to be loaned, every direction was to be made by the majority of trustees. I shall hereafter consider the majority question, as it has been called, in its general bearing. Here the majority of the trustees are to decide. “Applied to such other uses of the said school

or schools, now or hereafter to be erected by the said meeting, as the said trustees now or hereafter to be appointed, or a majority, to consist of not less than five of them, shall think will best answer the design of the institution."

Now, then, this fund was not only to be devoted to this object, but was to be under the direction of the trustees, and a majority were to dispose of it, as they should *think best*, and they were not to refer to the preparative meeting, much less to the monthly meeting, the quarterly meeting, or the yearly meeting; nor was the treasurer amenable to any other meeting than the preparative, upon the report of the trustees.

New trustees were to be appointed annually. They were appointed annually: and, after their appointment, had the fund under control: and, as often as they appointed a treasurer, held a right to control it as they, not as he thought best; according to their discretion, not the discretion of the treasurer, or of any other persons.

There is a public body now in being who are to use this fund. We shall see who this body are, who have the right to use it. They had an existence, not arising from party movements, but from the movement of the whole body of the society at Crosswicks: and it is from them, that an attempt is made to take away the fund.

The fund was instituted for the benefit of the subscribers. There is nothing in the instrument which can be construed into an admission, that others are to have the control of it. Nor is the absurd proposition to be found in it, that there is, in any event, to be an escheat to the government, or to any other body of men, there or elsewhere.

In 1828, the *preparative meeting, who were the subscribers*, had with them the *trustees who had been regularly appointed*, and they then chose *Stacy Decow* their treasurer. The legality of his election is not questioned as to its forms, or the circumstances under which it was made, except on account of the secession of a minority of the meeting, which will hereafter be considered. No question therefore arises, as to the time or manner of his election. The time and manner were proper and legal, if the withdrawal of the minority did not invalidate it. Decow now claims the money, not for himself, but for them. I repeat it, and it is undeniable, in 1828, when this controversy assumed its present character, these trustees were at, and with the preparative meeting, and that meeting upon the report, and with the assent of those trustees, then and there appointed Stacy Decow treasurer.

A minority in the meeting having differed with the majority, I care not for what reasons, withdrew from that majority, leaving behind them the trustees and the property. Here my clients stand on imposing ground. The body, the whole body was there. The trustees were there. Who has withdrawn? Who are the seceders? How can our opponents tell us we are the seceders? At this point we are invested with the character of the original Friends, and of

e preparative meeting in its full authority. In relation to this insaction, no legal power can call in question the rights of my ents.

In this place it is proper to remark, that, when this minority went away, they carried with them but twenty-nine of the original members as their representatives, and left behind them fifty-five. (Appendix, p. 470.) They carried off with them the representatives of subscriptions, to the amount of eighty-four pounds, and left behind the representatives of subscriptions, to the amount of two hundred and fifty-five pounds; leaving an excess of one hundred and seventy-five pounds on our side; an excess which is greater than twice the amount of their contributions. Our subscription papers show, that of our clients were in regard to numbers, two-thirds of the whole; and with regard to funds, that they had contributed three-fourths. Here, then, this minority, seceding of their own accord, withdrawing voluntarily from the meeting, venture to come into a court of justice, and boldly ask you for the whole, because the majority, the meeting itself, will not surrender to them their rights. Is this justice? Is it honour? Is it equity?

This subscription was for a school. Where is that school? You have not been told by our adversaries. We tell you. That school was in existence when the separation took place. It is in existence now. Who has the control of it? Who devote their time to it, discharging all the duties of the trust, and bearing all its burdens? These Orthodox gentlemen give it no care. We take care of it. Here we place our infant offspring in whom all our hopes centre. And to it, all who have birth-right, may come; and if poor, will be educated without cost. It is, in our hands, precisely what it was intended to be, and what the subscription requires that it should be; varying in no one particular, from what it was before the minority withdrew from us; neither in discipline, religious faith, nor subjects and mode of instruction. And yet they ask that these funds shall be taken away from us, and it, and given to others. Is this honest? Is there a legal principle which can require it? If there is such a legal principle, let it stand; but I shall remain firm in my conviction, that if there be, it is a violation of natural justice.

Mr. Frelinghuysen. I hope you will admit that there is a school supported by the opposite party.

Mr. Southard. It is not so stated in the evidence by which I am governed in my observations.

Mr. Frelinghuysen. It is not so stated in the evidence—but such is the fact.

Mr. Southard. If there be such a school, it is a new one, created since this controversy arose; not the school for which the subscriptions were made. One kept, not in the house prepared for this school, but elsewhere; a partizan, sectarian school, which the minority have chosen to raise up, in opposition to this, which was the original and only school of the society, in that neighbourhood,

and the one which was intended to be benefited by this fund. The inquiry results in this—is the fund to be taken away from those who created it? This minority was not satisfied to settle the controversy, in an amicable way, and to receive their proportionate share of the fund. They said they must have a legal controversy about it; all or none, was their illiberal demand.

Mr. Hendrickson, who represented the minority, accordingly brought a suit to take away this money from the majority, and from this school. When he chose to bring us into a court of justice, we had to follow him. It was no act of ours. Yet, while he and his friends force us to take this course, they *avow* an *unwillingness to litigation*. We have pointed them to the article in the discipline, which prohibits them from going to law with brethren. How do they evade it? By declaring that Shotwell, who happened to have the money in his hands at the time, was not, *at the moment of the separation*, a member of the society of Friends. But whom does Shotwell represent? When they brought the suit against him, did they not bring it against the majority, and was not that majority of their profession? Were they not Friends, not one of whom had been disowned, or ceased to be of the society? It is a mere *quibble*, put upon record, unworthy of the simplicity of Friends, and which will stand against them as long as this minority and their successors exist.

We offered them terms for the settlement of this controversy as Friends. Our offer was rejected. Why was it rejected? I will not open the evidence to answer this question. But if you will look into the testimony, you will find the objection offered was, in substance, that we would not admit that we are seceders and heretics. I will not characterize the feeling that would reject an offer of peace; an effort at compromise, on such a ground.

Another objection was, that we did not address them as the preparative meeting of Chesterfield, thus admitting that they were right, and we were wrong. They *knew* to whom the offer was addressed, but because it was not in the precise form they desired, they would not receive it. We have heard of proud and warlike heroes, and others, who, because they were not addressed with the titles they desired, spurned those who addressed them. One I recollect, and only one, who should be exempted from the censure which ought to be passed on all the others. I mean, the father of our country, who once refused to receive a communication addressed to George Washington, and required that his station as an American officer should be recognized by the British authorities. But he spoke for liberty and his country. *That* was not the feeling here. It may be disputed by some, that it was not to liberty, not to principle or to conscience, the Orthodox looked, but to property. But I will not further remark on the feeling that rejected this offer of compromise. In making it, we acted as Friends, as early Friends would have done—as our and their discipline and principles required. The Or-

thodox in rejecting it, must look for defence to other examples and other principles. But they have rejected it; and we are now told by them, that they have no personal interest in this controversy, and that we have no personal interest in it. They seek only to sustain their *religious* principles and character! This is very knight errantry, in the garb of humble piety. We disclaim it. We go not into a court of justice to sustain our *religious principles*, and have judgment as to their correctness. Our fathers did not do so. Low as they may place our motives; high as they may place their own; we have not yet sought to sustain our religion, by calling on the arm of the law; and we here avow, that we have a personal and pecuniary interest in this controversy. We seek to secure our money; and we shall earnestly contend that we have not forfeited it, and could not, *under our institutions*, by any abandonment of our religious faith. We cannot say that we should have gone to law for our religious principles; to establish the doctrines of the ancient society of Friends; we should have been willing to live on, exhibiting our principles by our lives, and left to the Orthodox all their rights, possessions, and principles.

In passing over this part of the case, I must remind you of a fact, strangely inconsistent with the professions held out by them, of having no personal interest in this controversy. When they withdrew from the meeting house, at Crosswicks, Samuel Craft, an agent and leader of the Orthodox party, gave the majority the emphatic warning, that they relinquished none of the rights they were entitled to. At such a time, what meant that warning? What rights? rights of religion? rights of conscience? Nothing that we could do would affect *them*. No, but rights of property, which the society of Friends, and the monthly meeting may claim. Put this and that together. They had been instructed by some legal adviser, that it was proper for them, if they wished to retain a claim to the property, to give this warning on withdrawing from the majority. They had been told that they must give this notice, if they wished to prosecute for the property, in a court of justice; and now they profess that their object is to maintain their religious principles alone. They had their eye fixed upon the property, and acted by legal advice; and as they did here, so have they done in most, perhaps all other cases, where they separated. They were willing to lose none of their rights; and for their rights they look, not inward—into the body of the *society*; but are willing to claim them from an external source. They seek to connect themselves with a society in Philadelphia and in London, and thence infer, that they have a right to the property; as if it had been subscribed for the benefit of strangers, and was ultimately to be controlled by those who are not even of our country and nation. In this most exciting case, the minority deduce their rights solely from their connexion with an external body; and thus try to take from us our property, on the ground of a control over us by that body whose power, in this respect, we never

acknowledged. In the instrument establishing that fund, there is no acknowledgment of an obligation of an external nature. There is nothing like it in the nature of the trust, in its words or in its object. I find no such thing written in the bond, as that they are to hold it as long as the preparative meeting will let them, as long as the monthly meeting will let them, as long as the quarterly meeting will let them, or as long as the yearly meeting will let them. As a lawyer, I must look into the instrument to find the conditions of the fund. I find in it, no acknowledgment of this kind. One condition which gives this cause its magnitude is this, that you are called on to take *all the property* from one society, and give it to another; from the Friends, and give it to the Orthodox, and upon a principle too, which may, eventually, carry it entirely from those in this state who profess the faith of Quakers. If you confirm the decision of the court below, it will be on a principle which will subject all the other property of my clients to a like forfeiture. It applies to all their meeting houses, their school houses, their school funds, nay, to the grave yards, where lie the remains of their ancestors. It will leave the agitated men we see around us no roof to cover them, but the heavens, while they unitedly worship their God. It will leave them no school house in which to educate their children. It will leave them without a cemetery for their dead. They cannot surrender all these without a struggle. They cannot submit to have the best feelings of their hearts trodden down by power, without deprecating the tyranny, and urging on this and every other tribunal, that there can be no principle of law so unbending and ferocious as to demand it, till that human power, from which there is no appeal, shall say to them, "depart;" they will seek to maintain their rights.

I hope to save the law from the reproach of such a decree; and in the effort I shall but follow out the feelings of those I represent—act in consistency with the history of this religious people. I speak from historical facts. They early had divisions. In the time of Penn and Fox, there was a division in the society, and the party who went off, called "Separatists," cast back on the majority the imputation that they had refused them burial and usurped their property. The majority replied, that it was false and untrue. They said, in substance, we have the majority, but you have rights of property which we respect, and we are perfectly willing, if you will receive it, to permit you to take your full proportion of what can be divided, and your relative share of the value of that which cannot. If the court desire to see the details, they will be found in 2d Penn, 192, 212, in Story's Journal, 655 and 666, and in Griffith's Journal, 230 and 231, and Judas and the Jews Combined, small quarto, 1673, p. 36 and 37.

Penn himself answered the Separatists, that Friends never desired their part of this collection, nor refused to repay it, but were ready to be quit with them when they pleased.

Thomas Story, in his conversation with Lord Lonsdale, lays down the principle which they upheld, that law does not give but

protects property. So John Griffith declares, that law cannot alienate without an equivalent, and that when property is taken, Friends may not actively resist, but passively suffer, that the iniquity of the law may appear and be removed.

It was the principle of Friends then, that property should not be taken without an equivalent. It is our principle now. Would it were the principle of our adversaries.

Another case which has been often alluded to for other purposes, is that of the controversy with George Keith. We have not the slightest evidence of any dispute about property on that occasion. Keith carried off a large part of the society with him. In some places his friends were the majority, and took possession of the property. Was there a contest about that property, on behalf of principle? of the society? of conscience? No, no. Quakerism then said, let them hold it. We will not contend for it in a court of law.

Notwithstanding all this—of our being the majority—of our having possession of the principles and practice of Friends, it has been decided that the minority is entitled to the *whole* of this money. It has been decided that the majority are to lose it, and, losing it, to lose all the other property which, for a century and a half, has been gathered for the use of the society. The principle of the decision is, that Friends have forfeited their right to the whole and every part of it. This decision is made by one of the learned judges on the ground that we have left our religion; and by the other on the ground that we have separated ourselves from the government of the church, which was our only legal protection in its enjoyment. Against such decision we appeal—we earnestly protest, and in the name of the best feelings of our nature, and of justice and of law, we ask that it may be reversed. It is a decision which lays waste our civil and our religious character—which plunders us of the earnings of our industry, and fastens on us the imputation of punishable misconduct and religious heresy.

It is our burden to show that the decree producing these effects, is inequitable, unjust, and illegal—and the burden is severely felt, on account of the men who pronounced it. One of them still lives, and long may he live, honoured, and justly honoured, for his talents and his virtues. Of the other, you have heard how he lived and how he departed. I will not, I cannot quarrel with the eloquent description which the learned counsel has given of the circumstances of his decease, although it was intended to affect your feelings, when your judgment should alone have been addressed. I do not yield to him or any one, in respect either for the man or the judge. He said that the gloom which then overspread our state, became a deeper gloom when the death of the chief justice was announced. It is true. He said also, the chief justice might be considered as having almost sealed the decision with his blood. I do not perceive the propriety of the remark. He died, it is true, soon after he pronounced his opinion, in the full vigour of life, of virtue, of mental power, and in the deep

conviction that he had decided this case according to the best and soundest principles of law ; but he was not ignorant that many sound and virtuous men dissented from him. And at this moment I have to rejoice, that he knew my convictions and the course of duty which I believed lay before me—to speak boldly and firmly of his errors. I shall so do. I shall speak as *becomes his friend*, and as he himself would command, if he was here. He would spurn the reverence which could palsy the efforts of the advocate in urging the claims of his clients. He would rebuke the respect which in such a case would halt ; and would disown the friendship which could hesitate to exhibit his errors, when law and justice were in question. Sirs, he was a safe and able judge, and left most judges *longo intervallo*. But he could err : and no man was more conscious of the fact. None that I ever knew was more desirous that his errors should be corrected. He loved his reputation for integrity and wisdom, but he loved law and justice more.

I believe he committed many errors in giving this decision, and it is my purpose to show them. I shall do it, however, with reverence for him and regard for his reputation. And though sometimes carried forward by my own impetuous feeling in argument, I have no fear that I shall on this occasion need apology for want of that respect which I sincerely feel—of that friendship which was my pride while he lived, and is my consolation since his death.

In approaching this decision, it is cause of satisfaction to reflect, that these learned judges did not agree in the views they took of this case. By their opposition to each other, they aid in the investigation of their errors. United they might be irresistible : but they did not, and, with all their efforts, could not agree. Chief Justice Ewing puts his decision distinctly on the ground, that the yearly meeting at Arch-street was the true yearly meeting, and that Friends seceded from it, and thereby forfeited or lost their rights. He explicitly avoids all questions as to the religious doctrines of the parties. The first learned counsel on the opposite side, has intimated that if Justice Ewing had spoken on the subject of doctrines, he would have been with them. I deny it. It is an inference of theirs only, unsustained by any declaration of his. If your honours will look at his opinion on pages 40, 41, 52, and 59, you will find a clear and explicit denial of Chief Justice Ewing's entering on an investigation of doctrines. It is not necessary now to read the passages. He says he has not investigated the points of doctrine, and he rejoices that it was not necessary.

It is true, he says the Quakers have religious doctrines, and these are to be found in their standard works. Well, have we ever denied it?—in our answer ? in our evidence ? in our argument ? You would think from the remarks of the opposite counsel, that we have *no belief*. Could there be christians without ? Could we be a religious people ? We are a sect of christians, and the very name imports religious doctrines and opinions. We have, indeed, denied

at *certain* religious doctrines are the doctrines of Friends : but we have shown in our answer that we have religious doctrines in which we rely, and for which we are willing to suffer.

Justice Drake, on pages 72 and 73, takes a different view of the subject. He puts aside the ground on which the chief justice rests his opinion. He says that on this ground he should be unwilling to side against us. If Friends had committed an error in relation to a yearly meeting, had mistaken the true meeting, he should be reluctant to declare that they should thereby lose their property.

We have then the two judges relying on different points—one on government, and the other on doctrines—a difference which is irreconcilable, and *non mihi tanta componere lites*.

What is the argument of Judge Drake? The Quakers have religious doctrines. The Orthodox show that they entertain those doctrines. The Orthodox deny that Friends hold them, and the Friends will not say that they do entertain them. Therefore, the Friends are to lose the money. This is, to my mind, substantially the argument. And its effect is—because we do not prove our innocence, we must forfeit our property. I have known that judge long and respect him greatly, but that respect can never induce me to adopt either his principle or its application to this case.

[*Mr. Frelinghuysen*. Mr. Southard, will you permit me to read sentence or two from the opinion of Judge Drake. I refer the court to the third sentence on page 87:

“Two distinct meetings exist at this time, and each claims the guardianship and use of this fund. For the safety of the debtor, these parties have been directed to interplead, and to show their respective pretensions to be *a preparative meeting of Friends*. One of them sets out certain doctrines as characteristic of the society, and that they adhere to them, and that the other party does not. They go on and prove their case, so far as respects themselves. The other party allege that they hold the faith of Friends? but instead of proving it, they call upon their adversaries to prove the contrary. In my opinion it was incumbent upon each of the parties to make out their case, if they would stand upon equal terms, on this question of doctrine.”

This is the whole gist of his opinion. And that will stand the test of subtlety and of time.]

Mr. Southard resumed: The great error that the learned counsel have fallen into, lies in the simple fact, that here are not two parties contending for the first time, for property of which neither has possession. Here, both stand upon their rights. Here, both are in possession of those rights. Each allows that the other once had a claim to the property, and the question is, whether one of these has lost it. Here is a piece of property, a book, for example, which has always been in possession of both of us. Must I lose my half of the book, because I am charged with holding errors and heresy—not proved to be guilty of them? Friends are not claiming new pro-

perty: but the Orthodox are maintaining that they have, through their sentiments, forfeited the old.

The judge has argued, as if Friends had refused to answer on points of religious belief. In opposition to this, I maintain, that they have answered all proper questions, and answered them fully. But suppose they had not, suppose Stacy Decow had refused to answer, saying simply, I belong to *that* preparative meeting, and from that you may know my faith? Could he be compelled to surrender the property, because he refused to go into *particulars of his faith*? Or, because he, an individual member, refused to take the responsibility of explaining and affirming to their doctrines, would the whole mass of the society commit a forfeiture thereby? The distinction here, is, between the acquisition, and the forfeiture of property, and that distinction is of great moment. To *create a forfeiture* in such a case as this, it is necessary to *prove an act in violation of the law, and of the terms on which property is holden*—and that act must be brought to all who are to bear the penalty. While I admit the burden of those opinions of the learned judges, therefore I repeat, that I also feel that by placing their decision on distinct ground, they have diminished the difficulty of showing their errors. It is a great advantage to Friends that they were not united—that we have not a united judgment to resist, but the separate opinions only of two able men.

In one thing alone do they agree, and that is, that there is to be a forfeiture of the money—that as a penalty for our conduct, or for our belief, we are to lose our property.

The view of the counsel that we have no rights in this fund, is not correct. We have rights. We created the fund, and not for a charitable use alone, but for our own use—for the education of our own children. Even if we had no interest in it, further than to manage it, the legal principle would call for our possession of it: for, on that supposition, we created it for our own management.

From the preceding view of the creation of the fund, from its nature, and from our being in possession of the school, it appears that we are not to show our right to *acquire* property, but that we are not to forfeit property. I shall endeavour to show that the grounds on which our adversaries claim to take it from us, are untenable, and leave the great ground of our own rights to rest on the preceding views, and in the clear, and to my mind irresistible arguments of my associate.

What are the opinions I have to resist? They are:

First. That our conduct in relation to the yearly meeting was so incorrect as to destroy our rights.

Secondly. That our faith is so heretical, that no terms ought to be kept with us.

In opposition to these I maintain:

First. That in a question of property, there is no connexion of the preparative meeting with, or subordination to, the yearly meeting, or any other meeting, which can affect the right to this property. This

is a point the chief justice has not investigated with his usual care. He has alluded to the opposite opinion, and taken it for granted. He did not trace it out step by step, and show, that while there was an admitted subordination in some things, it existed in all, and *especially that it existed in relation to the rights and use of property*. Short of this extent the argument can be of no avail. The learned counsel perceived this defect, and for more than half a day, endeavoured to show the subordination of the preparative meeting to the yearly meeting, in such manner as to infer subordination in matters of property. This is denied. There is no such subordination in relation to property.

My second position is, that an examination of the state of the parties, previous to, and at the yearly meeting of 1827, will prove that the acts of Friends were not in violation of the principles of Friends, and consequently could not be a cause of forfeiture.

On this point, the judges and the counsel have not carried with them the grand principle of Friends. They have forgotten the great principle of the law of their rights, the very institution of their rights, the fundamental truth of the society, which gives it character—distinction from others, governs and controls all their acts, and affects vitally, all their rights and privileges, civil and religious. Without carrying that principle along with us, we cannot discern the truth in relation to them. Without constant regard to it, the greater the intellect employed in the investigation, the greater will be the danger of falling into error. By omitting this principle altogether, the counsel have argued, and the judges have decided the case, as if the society of Friends was an ordinary society, resting on ordinary principles; and well might they err, in the application of their law, and their facts.

My third position is, that there can, by possibility, be no such trust, as that a body out of the state, and irresponsible to its law, even out of the nation, can dictate by its acts the right to property in New Jersey. The law must be able to reach and control both, if it controls either party to the trust, and that trust whose terms deny it the control over one of the parties, will be rejected as void. If the principle of the opposite side be correct, this is a trust of such a nature, that we may be dispossessed of our rights by the operation of a foreign power. They maintain that a monthly meeting may dissolve a preparative meeting, and take possession of its property; that a quarterly meeting may, in like manner, dissolve a monthly meeting; and the yearly meeting a quarterly meeting. The property then goes to the yearly meeting out of the state. And, according to the principles of the ablest advocate of this cause, (I speak with due deference to the learned counsel,) according to the principles of one of the witnesses, it must, in certain events, *go to London*. All this property of the society of Friends, in the state of New Jersey, may, by a succession of forfeitures, go to London. If they are not right in this principle, and to this extent, their whole

claim must fail. Now, such a result is monstrous, and the laws of New Jersey can never sanction it.

If their principle be true, and this fund be carried to the yearly meeting at Philadelphia, or elsewhere, how can you reach it? The arm of chancery will be too short, after it is out of the state.

My fourth and last position is, that there can be no forfeiture of property in this country, and under our institutions, for false faith, or change of faith. If this principle be not proved, to its utmost extent, at least, I trust the court will be satisfied, that if such forfeiture can exist, it must necessarily be by an *avowal* of *false doctrines* by the *individual himself*, and not from anything said or done by those with whom he may associate, or whom he may hear preach. That if a presbyterian shall hear a Jew, and do not denounce, or disown him, he is not, therefore, to suffer penalties and loss of property. And the error, too, must be proved, not presumed. Property is not to be forfeited on presumption. Penalties are not inflicted on suspicion of crime. It is not to be presumed that I hold false faith, because the man I sometimes hear preach holds false faith. It is not to be inferred that I am a heretic, because I am unwilling that heretics shall be ill treated. It is not to be inferred that I hold unsound doctrines, because I am unwilling that the discipline shall be violated, in dealing with those who fall under the displeasure of the rulers of the church.

The fact of entertaining heretical opinions must be proved against the Chesterfield meeting, and, it will not answer either law or justice, to establish the fact that others elsewhere entertain them, and then leap to the conclusion that we entertain them also. If the members of a human tribunal will place themselves between me and my Maker, I have a right to demand of them that, if I am in error, they judge of me by my own actions and opinions, and not by those of other men. If they will place themselves in the position of my God, to whom I have to answer, let them judge of me impartially, and by my own, and not another's creed.

In relation to the whole of these positions, it has been the object simply to exhibit principles. The natural course would be, to take up each position, and go through the whole case in the order here laid down, arguing each separately. But if I make the argument in this mode, I shall be compelled to repeat the facts again and again.

I propose now to take this course: but, carrying these propositions along with me, to examine the subject historically, apply the principles as I progress, and as I come to the conclusion, endeavour to show that these principles are true, and applicable to our cause; and that they are not such as our adversaries can rely upon to sustain their decree.

We must, *as a first step*, inquire *what* is the *nature* of the *society*? What is it? What its peculiarities? This is ~~necessary~~ in every case—it is, peculiarly so, in this. If we were discussing the rights of a corporation, we should first seek the nature of

terms and conditions which created it, and bind it together. All the cases which have been cited, look first to this point. And here I must be permitted to express my surprise at the remarks made by the counsel in relation to this topic. They have spoken as if the Quakers were a people having nothing in common about them, as if they were like the methodists, baptists, presbyterians, episcopalians, in all their characteristics. I have listened with surprise, while they have removed their peculiarities, one after another, till their distinctive features were entirely lost; and it has become impossible to find the Quaker. He has sunk into the common mass, under their alchemy. First went the light within. This seemed to one of the counsel, to be nothing more than what is known among the presbyterians, and others, as the operation of the spirit of grace; to the other, as natural conscience. Next it was declared that Friends believe in the trinity, and that the only difference between them and trinitarians generally is, that they do not use the word *trinity*; but that they agree with them in substance, and are, in reality, very good trinitarians. Then the atonement! Why, they think of the atonement just as other christians think. Nay, I believe it was even intimated that they had essentially the same opinions as others in regard to original sin. After this, it ought not to have created wonder, if they had gone on to prove that they did not differ from other christians in regard to baptism and the Lord's supper; and nothing had been left to them, but their simple language and plain dress. If the Friends have no peculiarities, why, sirs, have they been so much persecuted? Why regarded as the worst of infidels and heretics, worthy of prisons, the stake and the gallows? If they thought with others on all the leading doctrines of christianity, why did others denounce, torment, and afflict them? But they have been persecuted, and because they have peculiarities. They have more striking peculiarities than any society that has arisen since the birth of our Saviour. They are emphatically a peculiar people. Their principles of action and their modes of thinking, are almost all singular and unlike others. I should be glad to exhibit them with clearness and accuracy, for they are of an interesting kind; but I was not educated in their faith, and my studies have illy fitted me for the task; I must, however, endeavour to trace them as accurately as I can. The necessity for doing this is greater, because we have been referred in argument to modern times, and modern productions, as evidences to guide, while the issue between us relates to the principles, and doctrines, and character of ancient Friends. The bill and the answer both, refer to these, and found the claims of the parties upon them.

In Sewel's History, pages 5 and 6, of the edition of 1722, and in 5th Penn, pages 211 and 212, of the edition of 1782, you will find the origin of this class of christians. It will there be found, that in the settlement of the church of England, in the reign of Elizabeth, that church was placed on foundations which gave to many good

men, great dissatisfaction. Whatever may have been the cause, very great dissatisfaction existed, and consequently, little less than two hundred sects arose in that kingdom. *All* these, as well as those who adhered to the established church, relied, to a greater or less extent, on external ceremonies and forms, and made them a necessary part of their religion, thus *stopping short* in their reformation, as was alleged by Friends. In all their sects there were a few who were disgusted with an external service, and with making it the *all of religion*. There were some who *retired*, and in *secret* sought their God, and in secret examined their own hearts; and in their breathings after greater purity, found consolation, and came to the conviction that many of the ordinances and observances of the various denominations were inconsistent with the simplicity of the truth as it is in Jesus Christ. Hence they called them originally *seekers*, children of the LIGHT, Friends. Their name of Quakers, arose subsequently, about seven or eight years after their first appearance, when their founder bade justice Bennett, before whom he was brought, to tremble lest the just judgments of God should overtake him. Among them, though not the first, there was a young man, George Fox, who having the same feelings in regard to silent worship, and the same abhorrence of rites and ceremonies, and being moved by an active zeal, sought out others like himself, through that country, and collected and formed them into meetings; or rather as they asserted and believed, the spirit of truth, by which they professed to be led, by his instrumentality collected them together. He was born in 1624, and in 1649, at the age of twenty-five years, an incident occurred to him, which, in the view of those who were of that tone of feeling, and all who were looking at them and their conduct, gave to them a decided character, as a sect. This incident was his imprisonment. This imprisonment was an extraordinary event, to which I beg attention, because I think it characteristic of the principles of the society. He was with some Friends in Nottingham, and leaving them in their meeting, went by himself into one of the public churches. The preacher asserted that "*the more sure word of prophecy*," spoken of by the apostle, "*was the Scriptures*." George Fox, publicly, and at once, opposed him, and declared that "*the more sure word of prophecy*" was the Holy Spirit, operating immediately on the heart. For this he was imprisoned. It was not a common declaration. There was not then a sect in England which would have justified him in this cause, and in the meaning which he assigned to the text. The original fact stands as a landmark. Why was Fox imprisoned? The answer is, for declaring the faith of the society, on an important point, which was afterwards carried out and illustrated in their writings and conduct. It was *the Spirit* operating on their *hearts* which gave them their faith. It was an immediate revelation to the heart, and in the heart, ~~that~~ was their guide, unaided by external forms and ceremonies. It was *the life of righteousness* which became their bond of union. It was

is light, thus immediately, thus directly revealed, this light which was implanted by God in the heart, this light which was not natural conscience, but the Spirit of truth itself; God in the heart, that they tempted to recall all. They disregarded and denied the necessity and sufficiency of the usual ordinance, and making their religion internal and spiritual altogether, they were esteemed and called *mystics* and *fanatics*, and subjected, therefore, to great and intolerable sufferings. The detail which Besse gives of their afflictions, is sufficient to produce thrilling agony in the feeling heart. Of their sincerity in the belief of this light, they gave ample evidence, and their courage in promulgating it as the great doctrine of christianity, was the principal cause of their persecutions; but they looked to it as their strength, and protection, and guide; and one of them uses, in relation to it, the emphatic language, "To your tents, oh Israel! To your tents, oh Israel! God is your tent. To your tents, oh Israel." It was this light, which, because it came from God, and was God, was the strength within them, their light and their life, and brought them into union.

When they were, to use their own language, "gathered up," they did not form to themselves terms of communion and articles of faith. They had another bond, and that bond was the light within.

It may seem strange to the counsel, it seemed strange to others, but nothing like an external bond can be found among them, for more than thirty years after their appearance. Till Barclay wrote his *Apology*, you can find no bond but the light within.

It was that principle which gathered them together—the invisible life of righteousness. And it was on this principle, that they embraced all from Adam downwards, who had lived a life of righteousness, and all in heathen times, who lived righteously. Their church was not a narrow sectarian one, which embraced a few here and a few there. It is not necessary to show now the particular passages which support these views. I must read some of them in another connexion. They firmly believed themselves to be gathered as a people, by attending to the manifestation of truth, the spirit of truth: and it was by acting out the fruits of that spirit, that the bond of unity was to be exhibited and to be kept up; and they felt bound, from time to time, to bear their *testimony* to that truth, and to that bond, and not at any time to *lay down* or let their testimonies fall. They asserted their principles then, as now. They were to hold up their testimonies, because in so doing they were *giving external evidence* of the inward life of righteousness. The phraseology which they employed was, to set up, and to lay down or let fall their testimonies, and this phraseology, in the very same sense, has been applied to the meetings which they afterwards formed. Hence what you read of setting up or laying down meetings, is to be understood in the same way as the setting up and laying down of testimonies. The language and advice of the one to the other was, you are to keep up *your meetings as testimonies* of the truth. You are to act thus and

thus, as evidence of the light within. Their language in regard to meetings was the same originally as it is now, and it was used by them in relation to their doctrines before the regular establishment of meetings. Hence, when they speak of certain persons setting up a meeting, or the yearly or other meeting advises them to maintain it, they advise them to hold up the testimony of their faith. And when they speak of laying down a meeting, it is because the life of righteousness is not sufficiently displayed by the Friends composing the meeting. This is the truth in regard to the setting up and laying down of meetings. It is the spirit of love operating in the way of advice as to the best means of bearing testimony of the truth. And it does not, and never did mean to convey the language of power and authority, compelling the support or the destruction of their usual assemblies.

The views of the opposite counsel and of the opposite party are, that the setting up and laying down of meetings is the operation of the spirit of power. It is not so—it is the spirit of love having in view the end above stated. It is not command, it is advice. The language is that of brotherly love, urging the manifestation of the fruits of the truth, before the world.

In bearing outwardly their testimony, which they did from time to time, they established what they called their meetings for discipline. If you look back to the origin of these meetings, you cannot show that they ever had any object in them but to exhibit the outward testimony of the society. They formed some for the purpose of taking care of one another—for the relief of one another—for the assistance of one another when in difficulties—and to watch over the moral conduct of one another. From that beginning has sprung the discipline. I speak not here of meetings for worship. I speak of meetings for discipline.

But they gave out their testimonies and their communications from the light within. The conduct thence resulting was the *effect* of the inward light. It was so in regard to *war*, to *oaths*, to *dress*, to *language*, to hireling ministry. But all these were not bonds or conditions of their *union*—not the bond, but the fruits or effects of that bond, which was the inward light. And when any let fall their testimonies, it was cause of disowning them, not because the breach was found in these testimonies, but the subject of them as fruits or effects, was evidence of a neglect or departure from the inward light.

If you had asked William Penn or George Fox, what do you mean by your testimony against war, the answer would have been, I bear it as a proof of the light within.

When a man violated the testimony in regard to war, he was disowned, because it was thereby shown that he had disregarded the inward light. And so in regard to all other testimonies.

In respect to the term *doctrines*, little need be said. The meaning of the word “doctrines” is plain. It means things taught. Their *doctrines* were what they were taught by the light within. This is

d light was the fundamental truth of the society—the tree to which the branches, which were their doctrines, were attached; and their testimonies were the fruits which it bore—the effects or results of that truth and those doctrines.

Court adjourned.

Friday afternoon.

SOUTHARD resumed:

I was endeavouring, before the adjournment of the court, to exhibit so much of the organization of this society as would enable us to go over the principal peculiarities which distinguish it from others in the world. I did so because I believe there can be no safe administration of justice, in this case, unless these peculiarities are known and carefully regarded; and because I consider them the only basis by which we can determine between the claims of a known, and an imagined society. But I have now to speak further of that peculiarity which forms the leading distinction between the society of Friends and all other professors of christianity. I mean the high paramount importance which it attaches to the doctrine of the **INWARD LIGHT.** This is the foundation of their system, and explains every mystery connected with their economy. This doctrine may be found running through all the passages of the authentic books read by my associate counsel to which I refer. In the *Christian Quaker*, p. 124, 125, it is thus stated:

“Being to write of the light of Christ within, the great principle of God in man, the root and spring of divine life and knowledge in the soul; that by which salvation is effected for man, and which is characteristic of the people called Quakers, their faith and testimony to the world; I chose to consider it under these three following questions, as stated by none of the meanest of our adversaries, being comprehensive of the principle, its force, and friends.”

The second question runs thus: What is that light which leadeth to salvation, and, how doth it lead to salvation?

By light, I understand not the metaphorical use of the word; as when Christ said to his disciples, ‘ye are the lights of the world;’ nor yet as the apostle speaks, ‘now are ye light in the Lord;’ nor yet the mere spirit or reason of man. But Christ, that glorious sun of righteousness, and heavenly luminary of the intellectual or invisible world; represented, of all outward resemblances, most exactly by the great sun of this sensible and visible world. That as his natural light arises upon all, and gives light to all, about the affairs of this world; so that *divine light* arises upon all, and gives light to all that receive the manifestations of it, about the concerns of the other world. Such a light I mean by ‘that light which lighteth every man that cometh into the world,’ and that leadeth those that obey it to eternal salvation.”

This light was the immediate action of the spirit of divine truth upon their minds ; the life giving principle of the society. It guided and controlled all their religious opinions. *Thence* UNITY was the attendant on all their intercourse. And surely if the principle was right, the latter would be the natural result. This light was called the *fundamental truth* ; and there was no other fundamental truth, for they always distinguished between *opinions, belief, doctrines,* and *human feelings*, and this living principle of truth. These doctrines, opinions, and feelings, were but the *teachings* of that truth. It was not the light of reason ; it was not the light of genius or talent ; it was not natural conscience ; it was the fire from the very altar of heaven which diffused life, intelligence, and bliss to all on earth.

In the preface to Fox's Journal, written by Penn, we have the following, p. 15.

"Two things are to be briefly touched upon : the doctrine they taught, and the example they led among all people. I have already touched upon their *fundamental principle*, which is as *the corner stone of their fabric* : and to speak eminently and properly, their characteristic, or main distinguishing point or principle, viz. *the light of Christ within, as God's gift for man's salvation*. This, I say, is as the root of the goodly tree of doctrines that grew and branched out from it, which I shall now mention in their natural and experimental order," &c.

This light was the tree ; the doctrines it taught were the branches, and the testimonies they bore before the world ; the evidences of a holy life were the fruits. For this exhibition of their faith, we have the authority of Fox and Penn, and yet, although we affirm in our bill, our reliance on this fundamental truth, and profess our faith in these doctrines, and exhibit these testimonies in our lives, we are to have our property wrenched from us because it is alleged that we have departed from the doctrines of our ancient fathers. Yet you will find that our professed faith has ever spread its fruits among us, and still maintains its early vigour. Indeed, this principle is the great starting point of Quakerism, and every man who seeks to understand its peculiarities must consider it a pervading characteristic of the whole system. Barclay's Apology, page 99.

Thus it is the very bond and ligament of their union ; in every member a faithful witness which seeks to produce within him a willing heart and a likeness to his Maker. It is the great distinguishing proof of a man's being a christian Quaker. Take away this, and he is no Quaker, whatever else he may be. You may make him a presbyterian, a methodist, or one of any other sect, but leaving this particular point of faith, he ceases to be a Quaker.

I beg attention to a work which was perhaps of more consequence than any other, at the time it was written, which was during the controversy with Keith, of which more will be said in the course of

the argument. The work alluded to was then approved by the society, and published by *their authority*, in 1694. See Gough's *History, et mult. al.*

It is "An Epistle to Friends, briefly commemorating the gracious dealings of the Lord with them; and warning them to beware of that *spirit of contention and division* which hath appeared of late in George Keith and some few others that join with him, who have made a breach and separation from Friends in some parts of America, by Thomas Ellwood."

In opposition to Keith, who was desirous of introducing into the society a subscription to doctrines as the terms of communion, Ellwood thus bears testimony to their fundamental principle, the inward light and life of righteousness, as the only true bond of their union, and that only which early Friends were willing to recognize; while the doctrines and practices which were the result of truth's power upon the heart were but the fruits and effects of that bond.

"In what he (Keith) infers from R. Barclay, he mistakes him, I suppose. I am sure he wrongs him. He says, page 8, 'That some principles and doctrines, and points of faith are necessary to be agreed upon, together with the practices necessarily depending thereupon, and to be owned, professed, and declared by us, to be, as it were, the terms that draw us together, and the bond by which we become centred into one body and fellowship, and distinguished from others, (yet not this so the bond, but that we have a more inward and invisible, to wit, the life of righteousness,) is the express doctrine and testimony of Robert Barclay's book called *The Anarchy &c.*, p, 48.' These are neither R. B.'s words nor sense in that place. His words are these: 'We being gathered together into the belief of certain principles and doctrines, without any constraint or worldly respect, but by the mere force of truth upon our understandings, and its power and influence upon our hearts; these principles and doctrines, and the practices necessarily depending upon them, are, as it were, the terms that have drawn us together, and the bond by which we became centred into one body and fellowship, and distinguished from others. Yet this not so the bond, but that we have also a more inward and invisible, to wit, the life of righteousness,' &c. Now observe, R. B. doth not here say, as Geo. Keith says his express doctrine and testimony is, 'some principles and doctrines, and points of faith are necessary to be agreed on,' as if men were to contrive and *cut out their own terms*, and before they entered into a society or fellowship, should consider, consult, and conclude among themselves what principles, doctrines, and practices they would have to the terms and bond of their society; much less that an owning, professing, and declaring those principles, doctrines, and practices should be terms of that communion. But that those principles and doctrines, and the practices necessarily depending upon them, which we, by the mere force of truth upon our understanding, and its power and influence upon our hearts, without

any constraint or worldly respect are gathered into the belief of, are, *as it were*, the terms and bond, &c. So that he does not make a bare profession, verbal confession, or declaration of those principles, doctrines, and practices *to be any terms at all*. The principles, doctrines, and practices themselves, he calls not the terms and bond strictly or *properly*, but *as it were*. But the terms and bond, strictly and properly speaking, are, with R. B., the life of righteousness, which is inward and invisible."

"His urging lesser matters, as plain language and habit, refusing to salute with the hat and knee, and men's and women's meetings, to be made and accounted by Friends terms of their communion, and his appealing to all intelligent Friends, whether it be not so, shows his ignorance and error. I believe he will find no *intelligent Friend* that will own any of these things to be *terms of communion* among us. *Fruits, effects, and signs*, I grant they are (when they are sincerely and honestly performed) of that *inward* and invisible life of righteousness, which is indeed the true and *proper* term and bond of our communion." "But although we do not make those outward things the terms or bond of our communion, but that divine life and power which brings them forth (when they are rightly brought forth;) yet inasmuch as we assuredly know that the testimony borne in those outward things, (plain language, plain habit, and refusing to salute with hat and knee,) is *of God*, and is that which God has led his people into, and required us to bear; and that our men's and women's meetings are of God's institution, for the service and benefit of his church; if any would pretend to be of us, and by practice contradict our testimony in the former, or *oppose* the latter, such would thereby manifest to us, that they were either not come to, or departed from, that divine power and life of righteousness, which is the term and bond of our holy fellowship and communion; and might therefore be justly refused by us, without making those outward things the terms of our communion." pp. 60, 61, 63, 64.

From this authority I am justified in repudiating for my clients, the idea and description of the inward light given by the counsel. It was not conscience, caprice, notion, reason, but the immediate action of the spirit of truth in their hearts, and its direct revelations to them. It may be esteemed an *ignis fatuus* by others, but this *ignis fatuus*, Fox and Whitehead, and every early Quaker followed with implicit faith. And I believe no proof could be found, that any other doctrines were proposed, or held as terms of their communion. When I was endeavouring this morning to show the importance of this doctrine, I was not using my own language merely, but that of all the Quakers of 1694, and of all truly deserving the name to the present day: and those who now disown it, have with it disowned their name. I have thus the highest authority for my statements. I do not go to Joseph Hendrickson for his views of doctrine, modern or ancient, but appeal to authoritative records acknow-

edged by all, and challenge contradiction of this view, as to the faith of ancient Friends.

I now refer to a little book, allowed to be an approved manual of instruction for the young members of this society, and from which all false doctrine, or at least all doctrine not received as true by its members, has been scrupulously excluded. It is the book of *Admonitions*, issued by the yearly meeting in 1808, and for it I feel at present a peculiar partiality.

“The following extracts,” says the compiler, “have been compiled for the benefit of the members of our yearly meeting, that observing the travail of the church under various concerns, which in divine wisdom have been communicated for its weighty attention, they may be drawn to *the principle of life and light manifested in the mind, which points out the path of duty and can alone preserve therein.*”

“Our ancient Friends and their faithful successors to the present day, have earnestly laboured to turn the attention of all to this pure spirit; knowing from experience, that *it is the means appointed by God for effecting our salvation, and the only foundation of all true religion and worship.* As by this we have been led into divers simonies which have distinguished us from most other professors of the christian name, we fervently desire that all our members may walk by the same rule and mind the same thing; thus every one filling his place in the body, we shall grow up into Him in all things, who is the Head, even Christ.”

Thus are they taught, and thus directed to the principle of life and light manifested in the mind.

In the “*memorials* concerning deceased Friends,” approved by the yearly meeting of Philadelphia, pp. 159, 160, we find it stated, “a female not distinguished by any *official* character, though highly distinguished by virtues and merit, that this divine light within, drew forth this testimonial.

“Fifth month, 1815.—A few Friends being present in her chamber, after a time of silence, she uttered some expressions of thanksgiving for divine support, and then added, “Oh that I had the opportunity to testify to the greatness of the Almighty; and that it was in my power to impress on the minds of the young people the very great importance of giving up in early life; that the mind might have a foundation to rest upon in the time of trial, when the world is as nothing.”

“At another season she said, that some time back, upon hearing some parts of the New Testament read, respecting our Saviour, the memory occurred, ‘What do I know of a Saviour?’ and it was presently followed by the evidence that she *had felt a principle in her mind, which had shown her what was right and what was wrong*; and that as she attended to it, *it would prove a Saviour to her*—and then said, these expressions were brought to her remembrance, ‘To know thee the only true God, and Jesus Christ whom

thou hast sent, is life eternal.' " Vide testimony of the monthly meeting of Philadelphia, for the southern district, concerning Deborah Evans, wife of William Evans.

Her consolation was, that the principle in her own mind, which had shown her right and wrong, would prove a Saviour to her, and this was "To know thee the only true God, and Jesus Christ whom thou hast sent." Upon that great principle of inward light, this inward knowledge of God, she devoutly in her last moments relied; and they who now deny it, deny their faith. It was not her conscience, not her judgment, nor her mind; but it was the spirit of Christ himself, and a heart made willing to obey.

Drs. Brownlee, Cox, and others, by whom, and I would speak with the utmost respect, this principle was not understood, have attempted to prove it to be merely the natural conscience on which the Friends rely; but here we find it to be that higher power which forms "Christ within them, the hope of glory."

And it is the necessary result of the general operation of this principle that it should be an infallible guide to peace of mind and *harmony of co-operation*. The bond, being *inward, certain, peace-giving*, produced *fellowship, equality, union*, among them. Hence unity was also a necessary principle—an infallible result always attending them. The light proceeding from individuals to the whole body, one man must think and feel as another. The universal overshadowing of the Great Spirit must produce one and the same result. These two principles of inward light and unity of mind which have both been sacrificed in this discussion, were the absolute conditions of the existence of this society upon its primitive foundation. Presbyterians and episcopalians may be bound by written bonds; but here we have no bond, but that of truth, in the unity of the spirit. For those written creeds by which other sects are united, and their faith tested, are here superseded by those which are dictated by the spirit of truth. Hence all other doctrines, as I have already stated, were not the bond, nor was any verbal declaration in relation to them necessary, nor were they, except in a secondary point of view, regarded as the terms of union. Hence also, as I have said, they had no written creeds, for who shall dictate or prescribe the words in which the spirit shall speak? The very nature of their belief forbade it—and they believed that they had known enough of the bulls of popes, the decrees of councils, and the unholy bondage of creeds, to permit the language of presumption to call forth and bind upon them the fetters of intolerance. It is indispensable to distinguish as to the *nature* of their principle. I have said it was not to conscience or judgment which these ancient fathers attributed this illuminating and guiding power, but to the exhibition or manifestation to their minds of the Spirit of God himself; and they therefore called it, according to its various influences and attributes, the spirit, the truth, the light, the Christ, which terms were all intended to express their conviction that it was a direct appearance and operation upon their minds, and

vidence by God himself, and therefore could not err. They moreover believed that it was a proof and a manifestation of his love from all eternity, to all mankind—a living light kindled in the mind of every human being, and which coming from God himself, was sufficient, if its revealings and dictates were regarded, to save him from all evil and its consequences here and hereafter. This is the language of all their books, and to this, from time to time, they felt bound to bear testimony. Hence their church government did not relate to *property*, nor to faith and worship, but to the good order and government of their society, in relation to their testimonies, the fruits of the light. Penn's preface to Barclay, p. 15. Penn's Works, 867–8. Anarchy of the Ranters. Penn's Rise and Progress. Gough's History. Dutty on Discipline. Fox's Epistles, 210. Under this spiritual profession, so opposed to all the established opinions of that day, scorn and persecution were natural. Why, unless this or some other equally distinctive profession did characterize them in that day, were they made the objects of the ridicule and cruel persecution of *all* other christian sects in England at that period? That they were so, is a matter of historical fact, of which innumerable proofs might be supplied. Professing to worship God in the pure spirit alone, without external ordinances or observances, and refusing to adopt the language of the prevailing creeds with regard to the doctrine of the trinity, the jealous orthodoxy of their fellow christians arose in fearful attitude against them, and every arm was raised for their destruction. If these doctrines were not professed by them, why were the vials of christian wrath poured forth upon them? It was not against their plainness of speech or apparel; not against their scruples of conscience to take judicial oaths, or wield the weapons of war; it was distinctly against them as professors of those very doctrines which it is now denied they maintained, and for maintaining which we are now called heretics, schismatics, and infidels. In history, many scenes of suffering, in which they were victims for declaring them, are recorded, which it would shock the feelings to describe; even in this country—in Massachusetts they would have been hanged for their opinions, by trinitarians too, had not superior power been extended to save them; and which indeed was the brightest act in that wretched monarch's reign. Nor was it, as has been argued, by antinomians alone that they were thus persecuted and oppressed, all other sects deemed them heretical, and assailed their principles with all the weapons, whether of argument, or of vituperation and slander, that the arsenal of controversy could supply. They were, at one period, the only sect which was not tolerated and free from persecution. Hume's account of them, while it exhibits the misconstructions to which they were subjected, exhibits also the evidence of their sufferings. Vol. 7.

Thus attacked, it became necessary to defend themselves, and during the first thirty years of their existence as a society, works almost innumerable were written for the purpose. Fox alone wrote about one hundred and fifty, which contained more than four thousand

pages, and with him Burroughs, G. Whitehead, Howgill, Nayler, J. Whitehead, Dewsbury, Parnell, Clark, Bailey, Fisher, Hubberthorn, Farnsworth, Penington, H. Smith, William Smith, Audland, Baker, and Anderson, were early defenders of their doctrines. See Whiting's Cat. of Friends' books, p. 82-6. Most of these were even before Penn and Barclay joined the society. In the fiercest heat however of the controversy Penn came, exclaiming "to the rescue! to the rescue!" and wielded the sword of the spirit with the prowess of a giant in the faith.

Gough, 2d vol. page 220 and 221, says, that these latter writers introduced no new doctrines, and that, as if all their productions were the fruits and effects of the one great principle which they defended, they confirmed one another in every point. The work of Barclay, who was a very learned man, was intended as an apology, or as the word then meant, a defence of their faith, and refers to and relies on those which preceded him. It was written in 1675, published the following year, and translated in 1678. It is by this and other works published at this early period, that we are to test the opinions of the consistent members of this society, and more especially in this country; for they left England about 20 years after their first rise, and the yearly meeting here, was established in less than four years after the Apology was written, and before it was much known in this country. But why were these works, these defensive works on doctrine written, if the society of Friends, at that time, like those who christen themselves Orthodox, in the present day, differed not in opinion from the many christian sects around them? Why were the dungeons of England filled at one time with many thousands of these professors, unless they were considered heretical, by those sects with whom our Orthodox Quakers of the present period so cordially agree? It certainly was not on account of the *fruits* of their principles, for these were then, as now, *peace, benevolence, and truth*; and we never should have read of the persecution of these christians, either in England or in Massachusetts, for attributes like these. The truth is, and it is demonstrated by an impartial reference to standard authorities that these people did not hold opinions in common with other professors of christianity, but differed as widely from them as they do from those of the present time, who boast of the primitive correctness of their faith. *Vide* Gough, (as above,) Sewel, Penn, Rutt, *passim*.

The first settlement of this society has been detailed. They came out here principally with Penn, in consequence of the acquisitions in our state, by Billings; and their settlements here were very scattered; one of the earliest was that at Crosswicks, which is the subject of this painful litigation. (See Exhibit, No. 49, in the cause. Record of Chesterfield monthly meeting, 1684.)

The origin of Quakerism was in 1641. The first settlement in Rhode Island in 1656, and the first meetings in R. I. and Maryland in 1670 to 1672. The Friends came to New Jersey in 1667-9, and the first

meeting was established at Shrewsbury ; that at Crosswicks shortly afterwards. (1 Proud's Hist. 161-2. Fox's Jour. 161, &c.)

William Penn, soon after their arrival in this state, acquired the territory of Pennsylvania, either from the favouritism of the monarch, or in payment of a debt due from the crown to his father ; and into both Pennsylvania and New Jersey, they brought their principles and peculiar characteristics ; and these formed those political and religious establishments which have been so justly the boast of all those who love liberty and equal rights ; carrying their toleration, even beyond the theory of Locke, in his plan of government for Carolina. (See 4 Volt. 345.) Our own grants and concessions, breathe in every line that genuine love of freedom which exults in equal privileges, and leaves the conscience free in its intercourse with its Maker. Would that the same spirit prevailed still in all their members. Their first attention was directed to the establishment of meetings for worship, in convenient situations ; but the prosperous condition of the society, speedily required not only meetings for worship, but for the transaction of their church business also, and eventually of the yearly meeting, to which representatives from the various monthly meetings were regularly sent. This annual meeting, as well as every other of their meetings, was established without the permission of that in London or elsewhere, for the pretended dependence of one yearly meeting on another, is unsustained by any precedent of those days. No such dependence exists in relation to any of the meetings in this country. It is true the common principle of unity connects them, and forms them into one great body every where ; but in ecclesiastical control and authority they are still independent of each other. There is not the least evidence of that species of appeal to the London meeting which is contended for. The only example of a reference to the London meeting, as to one of authority which has been referred to, is in the case of George Keith. That case, it will be necessary to examine in other aspects ; upon this point it is clear of doubt. The history of it is this : Keith was distinguished as a Friend, with Fox, Barclay, and others ; of fine talents and extensive learning ; who contended ably, and in some instances successfully, with theological disputants, in England and America, and among others, with Cotton Mather, "the college boy of New England." Penn calls him the good G. Keith. But he had an incorrect temper, and was probably ambitious of placing himself in influence like Fox, and especially after the death of Fox. About 1689 or '90, he began to assume a tone of complaint and dictation. The specific grounds of his difficulties with the society, will be hereafter referred to. At present it is only necessary to say, that he, with his partizans, disowned the large body of Friends, and issued a condemnation of the twenty-eight judges, and of the ministers and elders ; and was himself disowned by the ministering Friends in '92 ; by the monthly meeting in Philadelphia ; by various other quarterly and monthly

meetings; and finally, by the yearly meetings of Maryland and Barbadoes. He appealed directly to, and from, and demanded of the yearly meeting of Burlington to be heard in disputation upon certain specified religious doctrines. He was denied by that yearly meeting, and shortly sent his complaints to England, and in the language of one of his opponents, "made quick steps" to that country, to influence Friends there in his favour. He did not, however, ask for, or take an appeal; nor did the yearly meeting of Burlington send representatives there to meet him. Some of the Friends from this country, there for other objects, met and opposed him. The yearly meeting of London was unwilling to hear him; but he forced himself upon them, and he was heard, and their testimony was issued, not as an adjudication upon his case, but with a view to the quiet and unity of the society; that the course towards him might be and appear to be the act, not of a party, but of the whole society in England and America. (See 3 Gough, 333, 339, 382 to 7; 345, 325, 6, 7, 8, 9. Keith's Appeal, 4, 5, 6. Jennings' Statement, 38, 39, 40. Keith's Plea for the Innocent, 16. Ellwood's Epistle.)

Indeed, there never was, there never could be anything like a regular appeal from this country to England, nor any efficient action, or authoritative decision there in relation to matters here. In 1736, this question came before the yearly meeting of London, and Thomas Story, who joined the society about 1790, and who well knew, both the principles and history of Quakerism, declared that appeals were not to be brought there; that they were not *the head of the church*, and that the example of Rome was too well remembered by Friends, for them then, or *in a succession of ages*, ever to establish such authority in any assembly. (Story's Journal, 245.) Thomas Story was not able to look forward quite a century, to the principles which would be, at this day, advocated. The example of Rome has been forgotten in the succession of ages.

The force of this position applies not only to faith but to *property*. There is no appeal, no connexion which can have control in relation to this controversy. We need not lose time by a minute examination of the *establishment* of the various meetings in England or this country. They are similar in both.

The history of all, except as to dates, is uniform. Their first establishment in England was in 1652, for care of the poor on account of marriages and sufferings. 2 Fox Jour. 85, 93, 223. In general meeting for sufferings in 1660, at Skipton, in Yorkshire, 1 Fox, 499, 500, Sewel, 282, and Gough, 161, &c. Ratty on Discipline. Those in that country followed in the same order, and upon the same principles.

The object of the organization of Friends, is avowed by themselves in their Rules of Discipline, p. 2.

The phraseology confines it to "*conduct subversive of its order*," and "*repugnant to its testimonies*," such as slavery, oaths, plain-

ness, hireling ministry, and *going to law*, but does not extend to rules or creeds of faith.

Their meetings are divided into those for worship only, and for discipline. Those for worship are understood by the name, and are organized for the convenience of the members; generally of those of a preparative meeting, sometimes of less. All their meetings, however, are to a certain extent for worship. They begin and end with it; always by inward examination and silent waiting; sometimes by the open expression of sentiments and religious feelings. But this idea of their meetings of business being for worship also, is not satisfied with the views taken by the chief justice, when he says, c. 10, "that he who cordially and faithfully performs an act of ecclesiastical duty, does thereby pay an act of adoration to the Almighty." The remark resulted from too confined a view of the great Quaker principle, an error most common in this controversy. It is true, that every man, who at any time acts justly, under a proper sense of responsibility to his Maker, does perform an acceptable act of adoration. But with Friends there is a higher sense attached to the idea. Other sects perform acts relating to their church, often without worship, in their mode; the Quaker *never*. Their highest act of worship, is that inward examining; the turning in silence to the light within; and with this they begin and end their meetings for every species of business. This is the result of the very nature of their principle: they believe that the spirit of truth presides over all their doings, guides them to certainty and to unity of feeling and judgment. And they silently wait for the manifestation of the spirit of truth in their minds, as by it *only*, can they act safely and piously. Their *whole* dependance is upon this *light*, as opened to themselves or to others in the assembly. And the doctrine, if sincerely felt and believed, is one, neither of human vanity, nor of indel pretension. It humiliates man and exalts God. He who can say, in sincerity of heart, "the God of Jesus in the heavens is my guide and my light, to him only do I look for direction," never can be proud or infidel.

Their worship is united, the two sexes being in different rooms, but the division between open, so that what is said may be heard by all. After which the shutters are closed, and business transacted separately. The smallest, or if you please, the most inferior meeting, the preparative, which embraces, sometimes only the members of one meeting for worship, sometimes those of three or four, as in the case of Chesterfield now in question. It included the meeting for worship in Chesterfield, Bordentown, and Trenton: but all meetings for worship must be embraced in one of these preparative meetings.

The duties of the preparative meeting are various, and relate to property, schools, discipline, &c. It is not necessary for my purpose, now, to allude to more than two or three. 1. They answer queries directed to them relating to their condition and conduct, the object of which is, that the state of the whole society may be known,

that uniformity may be secured, and those who are less faithful to their testimonies, may be urged onward.

2. They look to matters of discipline and improper cases, prepare the matter and send it forward to the monthly meeting for consideration and decision. *But they never decide any such matter.*

3. They create and have care of schools, and purchase and manage property; and all concerns of this character are by them considered and treated of. And in relation to their property, they *do not* make report to the monthly meeting for its decision. They manage it for themselves. This distinction between their duties, in relation to discipline and property, is important. In regard to the former, they cannot act, except for preparation: in regard to the latter, they act without control. The higher meetings were organized for discipline; they were not for control of property. If any such control does exist, why has it not been shown? why is it not to be found in the evidence? or in the book of discipline?

Now the court will remark, that it is in the preparative meeting that we insist that the whole property in dispute rests. It belongs to it; was created by it; and if the monthly, or any other meeting had right to interfere with it, the right would have been explained in their book, as it is explained in relation to matters of discipline. The existence of the duty to prepare and report with regard to the one, and not with regard to the other, seems conclusive. In discipline, the preparative meeting prepares and reports, but does not decide. In property it decides, but does not report. The monthly meeting cannot volunteer and enforce a control over the property of the preparative meeting. The Chesterfield school fund belongs to the preparative meeting, and the interference of any other body with it, is a violation of right, and of the order of society. Upon this point, there has been manifest error in the court. Perceiving a subordination of a specific kind, as to certain matters of discipline, it was thence inferred, that a subordination existed in relation to property. A more fatal error could not have been made, by any circumstance, in affecting the conclusions to which their reasoning brought them. The chain is broken by the absence of this link. The property belongs exclusively to the preparative meeting: the trust, if any exist, is in them uncontrolled by other authority. Test, if you please, the truth of this, by asking if any meeting can interfere with it, there is no limit; we must extend the principle to the extravagant length to which the witness and the argument carry it, to London. The yearly meeting there may control it, if the yearly meeting of Philadelphia may.

The next meetings in order are the monthly. These embrace all the preparative meetings and meetings for worship within their bounds. Introduction to Discipline, p. 3.

Their duties and rights are of high moment in this controversy. They embrace all the members of the inferior meetings; but, *not as members of those inferior meetings, having rights as such, or by*

ry of representation. They are in no respect representative bodies. The fact that the clerk or some member of the preparative meeting carries to the monthly meeting the prepared matters, does not contradict this assertion. He carries a note, or copy of minutes, and presents the case for consideration, as a messenger or agent, but when that is done, he is, and acts as a member, not of the preparative, but of the monthly meeting itself, as an individual, with no representative power.

These meetings are pure democracies; a scouted idea—a scorned word, but true in the most emphatic sense. This word has not been used by us in any political or party meaning, and no sensibilities should have been roused about it. It was intended to convey the fact, that here, all meet as men, as equal men, with equal power, as sovereigns, far as man is concerned. The only distinction is that made, not of man, but by his Maker, and that distinction, too, created by the spirit of truth, the light within. In whomsoever that appears, young or old; the boy of fifteen, or the man of sixty; it matters not. In the light so appearing they are drawn, and with it, they unite.

These meetings have no human being to preside. Christ is their only head. The only *authority* is in the king of kings.

They are also the great executive bodies, and the only executive bodies of the whole system. Here all cases of discipline are begun and ended. The member accused of having laid down his testimonies, meets his fellow-members, and if guilty, they disown him, and he is excluded. No other power can disown or exclude. No other meeting can call one member to account, nor enforce a decision, except through and by this one. The quarterly meetings have no power, but that of representation and on appeal, and in the language of a learned advocate of the Orthodox, the yearly meeting has no original cognizance. If either of the two, last mentioned, considered come to a decision on any case, they must send it back to be acted upon and executed, as the monthly meeting may determine. They advise, but cannot enforce their advices, except in the mode which will be hereafter designated. In truth, these monthly meetings, as indeed the whole society, is a great democracy, in which equity and the spirit of truth are the controlling principles and powers; and the history of man, ancient or modern, furnishes no instance, in politics or religion, in which the genuine doctrines of equal rights are so fully and so beautifully exemplified.

The court adjourned.

Saturday morning.

R. SOUTHARD resumed :

I was endeavouring to exhibit the true character of the monthly meetings of the society of Friends; to satisfy the court that those meetings were purely original—that they are not representative

bodies; and that no individual in that association was to be considered as representing any other interest or meeting than that to which he was personally attached. I hope to satisfy the court that such was the fact; as in the process of the argument, the right understanding of this matter will be found of some importance. I suggested that this society was a pure democracy; that it was one of those associations in which every individual stood on the same platform, that there was a perfect equality among the members; and, I added, that of all societies existing in the world, the monthly meetings of the society of Friends are most truly democratical and equal. So far as I have read, the history of mankind, both in its civil and ecclesiastical branches, I know of none wherein the pure principles of democracy are more purely and beautifully exhibited than in this; if there is one, it has escaped my notice. The only distinction which does exist, is that which is made, not by men, but by the author of our existence, by the more perfect shining of that light within.

If there is any distinction, it is not a human distinction; but is made by the God whom they worship; and in all their conclusions and decisions, however they may vary their forms, or use any other phraseology, they mean nothing else than that, in regard to those conclusions and decisions, the spirit of truth has enlightened them; that it has carried conviction to the hearts, and ultimately produced unity of sentiment, feeling, and decision. This is the substance of the Quaker doctrine as I understand it.

Although there is in this, as there is, or ought to be, in every other association of men, a uniform respect to age, yet unless the aged man be the avenue through which light is communicated, unless by his own acts he gives light to the society, he is to possess no more weight or influence than the mere youth of twenty. The history of this society, since its commencement, shows that such is the case. It shows it more, indeed, in its earlier stages, than at the present day; though I shall not undertake to assign a reason for the fact.

There are numerous instances of the whole body being governed by the suggestions and leadings of youths of sixteen to twenty years. At the early age of nineteen, James Parnell sounded the trumpet of the Lord with remarkable power and usefulness, and became one of the distinguished lights; the instrument of pouring conviction upon the hearts of many. He was imprisoned, and lay there till he died. But he was talented, virtuous, and sincere. You may remember that Stephen Crisp, portions of whose works you have heard read, visited him in his dungeon for the purpose of convincing him that he was in error. Stephen came out a converted man, and afterwards became an open preacher of the light of righteousness, and *here*, before us, are his works. What, then, was Parnell? an old man? no. When the spirit of truth descends from heaven it uses its own instruments; and the old, or the young, may alike be the objects of its selection. In the early ages of this society, youths under twenty-

we have often been travelling ministers, and have gone into all parts to disseminate and defend its doctrines.

But I return to my principle, that in this democracy there are no distinctions save such as are drawn by the spirit of truth itself; and whatever may be the course taken by the ability of counsel to overturn this position, or whatever contrary aspect Samuel Bettle and others may now offer to the court in this behalf, this is the true, the original Quaker doctrine.

I said that this was the great and peculiar doctrine of the society Friends; and I illustrated it by the fact that all matters of importance are to have adjudication there. There is no question of discipline that can originally take its commencement elsewhere than in a monthly meeting; though it may be subsequently carried elsewhere by appeal; and any decision made by the quarterly or the yearly meeting itself, has no efficacy nor power till the concurrence of the monthly meeting has been procured in that decision. This gives the decision all its force: the monthly meeting may accede in the decision, and it is thus rendered valid: but let the yearly meeting decide any question of discipline, and not send it back for the sanction of the monthly meeting, it can possess no power, no influence; it has no power over the judgment and consciences of any of the members. If the yearly meeting return it, the monthly meeting will consider the propriety of concurring in it, and if they do so concur, the decision is binding; till that moment it has no validity. Suppose that the monthly meeting should not agree, can it be pretended that the decision of the yearly meeting is established? Not so.

Without such concurrence the yearly meeting cannot enforce its decision. What then is the course to be pursued? The monthly meeting is to be called together—the advice of the yearly meeting is to be considered under the guidance of truth, and a conclusion arrived at.

Till then there is no strength in it. Suppose the meeting of Chesham had dealt with Decow, and had pronounced its decision in his favour, (if there was no appeal the decision of course is good;) that was carried to the quarterly meeting, and thence to the yearly meeting; and that the yearly meeting had pronounced this judgment to be incorrect. Is Decow or the monthly meeting affected whilst the matter stands thus? Not at all. But suppose that the yearly meeting sends back the decision through the quarterly to the monthly meeting; and the monthly meeting will not yield its concurrence, can the yearly meeting compel Decow to submit to its decision? If such is the case, the discipline is at an end; but there is no such power. They must call on the monthly meeting itself to bring him to account, to make the true decision, which is to be effective.

I make this remark because it will be found that the Orthodox party have violated this principle again and again; and if I am not right, let my error be shown. The monthly meeting is the only executive body that can *deal with*, and, if you please punish the

members. If the monthly meeting will not yield to the yearly meeting, I admit that the monthly meeting may be called to account; but for this there is a mode pointed out by the discipline, of which I shall speak hereafter.

Now the monthly meeting, in the exercise of its discretionary power, may take any member to judgment, whether the quarterly or yearly meeting will it or not; and thus it has its own original jurisdiction in these matters. The powers of the monthly meeting are fully set forth in the discipline. In page 59 they are authorized to disown those who are wilfully negligent of worship. In p. 41 they may give permission to go to law. In page 14, you will find that this body superintends, (and gives certificates to) travelling Friends, and those who are removed from office. There are likewise other certificates of ministers to which I shall look hereafter. In pages 5 and 6, they are to attend to the necessitous, and those who want brotherly care. In page 25, they are to admit new members into the society. A new member on *convincement*, (as the phraseology is,) does not go to the quarterly or to the yearly meeting of Philadelphia, he goes to the monthly meeting, who either reject or receive him, as they find him competent or otherwise; and, having this control, it is manifest, from this very fact, that it is the great executive body (not in appeals, but in original jurisdiction.) The monthly meeting is the only avenue by which a new member can be admitted. They take care of deaths, funerals, and marriages, and all regulations of this kind and description. They choose all the ministers and elders, and appoint the time of their meetings. We have heard much, and eloquently, about the travelling ministers going into the country to preach. Where do they get permission? (I do not speak of their *authority*, for *that* is the light within.) They get it from the monthly meeting. Suppose it is decided that any individual is not the proper person to minister; do they appeal? No: the monthly meeting have only to say by their own mouth, that he is not a suitable person. In regard, therefore, to the religious portion of the institution, it is the great tribunal.

The overseers are also appointed by the monthly meeting, as given in p. 29. In p. 89, we find that this body not only executes the discipline, but exhibits to the world the true state and condition of the society. What do I mean? that they exhibit to the world by any publication or otherwise, the condition of the society? No; for the yearly meeting does this, but how? From answers given on all points of inquiry by the monthly meeting; so that the declaration itself, though made by the yearly meeting, is dictated and arranged by and from answers given by the various monthly meetings. They not only appoint the ministers of the cross, and attend to the execution of the provisions of the discipline, but they are the only means by which exhibition can be made of the state of religion in this society, since the yearly meeting dare not give forth to the world anything which is not found in the answers so returned to them by the

monthly meeting. I speak of this, because in the proceedings of the Philadelphia yearly meeting, some allusion is made to this subject; and because I intended to show that those proceedings went to violate the character of the whole institution with which they are connected.

The monthly meeting is embraced within the quarterly meeting, and the quarterly meetings consist respectively of a large body of friends. To these meetings the monthly meeting regularly sends representatives, but not as a legislative body: these representatives are sent for the purpose of giving information; what duty has the committee thus delegated to perform, when it comes before the quarterly meeting? It has the power to give the information with which it is entrusted; but what else? Do the representatives volunteer their own opinions as those of the meeting to which they belong? Do they say my meeting says so or so? Nothing of the kind; it is a mere agency appointed to carry to the quarterly meeting matters of importance on which they have to be informed; but when that committee enters the quarterly meeting no man opens his lips to express the opinions of his meeting. Go to the quarterly meeting at Burlington, and see if the representatives of the Chesterfield meeting will say, "We belong to the Chesterfield meeting, and our meeting is of such an opinion?" They dare not do this; it is democracy again, avowed democracy still, and this is not only true, but the necessary result of their fundamental truths. I know these are views directly contradictory to those taken by the other persons in Pennsylvania. I ask the court to look at the discipline, and say if they have not perverted it; if they have not, I am in a radical error.

The description of the monthly meetings, by Clarkson, in his history of Quakerism, where he speaks of monthly meetings, vol. i. p. 210., is drawn from the living evidence before the writer.

There every man stands on his own ground. "All members present are allowed to speak. The poorest man in the meeting house is entitled to deliver his sentiments on any point. No person may interrupt him while he speaks." And this makes the great characteristic of the meeting. Every man feels the full weight of human privilege there; and from that same glorious feeling has sprung most of the freedom which we in New Jersey enjoy; and which we desire not only to see continued in our own country, but spread over the face of the whole world. It is not the liberty of Greece and Rome, so much talked about, but so little known or felt in reality, of which we are in the fruition now; other countries boast of it—we enjoy it; and we have derived it more from the Quaker institutions than from every other source; and if it can only be carried forth in its utmost extent and purity, it will produce the millennium of human liberty, not of human happiness.

The next meeting in the discipline of this society is the quarterly meeting. They consist of several monthly meetings, and embrace

them, not in their meeting capacity, but the original members as Friends. All the members of the society sit in them in their original capacity, and not as representatives. Their mode of communication with the monthly meetings is the only thing which can create the slightest doubt as to their real character, and this is easily explained; it is by committees of the monthly meeting when they send advices or decisions, such as I have before alluded to. Those committees have a mere duty to perform in their representative capacity, and when this is done, they sit and act as original members of the quarterly meeting itself. The quarterly meetings hear appeals, but it is only on the application of the individual who feels himself injured, and for his relief; but the decision on that appeal is of no avail till sanctioned by the monthly meeting. It is a matter of friendship and love, not of litigation, and strife, and power. Their object is to embrace the monthly meetings so as to be a more general assemblage to inquire into the unity of the body, and to convey to the yearly meeting the wants and wishes of the society at large. They are not intended to create power, but simply to supervise the powers of the monthly meetings; and herein is one great error of Chief Justice Ewing. They appoint representatives to carry their wishes to the yearly meeting, but when they come there, they have two, and two only duties to perform. First, to present the reports; and secondly, to nominate a clerk. This done, they sink into the ordinary class of members, and have no other rights than as such. The quarterly meeting has no original cognizance of discipline, nor power to do any original act. So that when they go to the yearly meeting it is not to exercise any superior power, but merely to gather the sense of the great body of Friends, so that they may then go into the other meetings, and show them the propriety of *condescending* to the *measures* there *recommended*. But what is the meaning (and I should like to know precisely) of this term "condescend," as the opposite party use it? It seems folly to talk of condescension when there is power to *enforce* obedience to a decision. Is there any other human institution where this power to enforce exists, in which an individual would be said to "condescend" to its dictates? Did not the Quakers understand the meaning of terms? And yet the Orthodox party tell us of condescension of the less to the greater part. In this very word there is an explanation of the truth which they have so carefully attempted to conceal. There is no power existing over this society; except that one great and all-pervading over the whole, without which the society cannot exist, and, in the very term used by the Orthodox party themselves, I find demonstration of the character of the influence exercised. The monthly meeting, if it be led so to do, by the spirit of truth, yields its former opinion; condescends to the quarterly or yearly meeting, but does not receive their opinion as matter of power and authority, as is provided and exhibited by other sects. The doctrine contended for by our adversaries may be presbyterian, or episcopalian, but it is not

Quaker. They act on the principle they avow ; when they said that it was *condescension*, they said truly.

There is a distinction between this and other societies in their mode of government. If this is not it, what is it ? When the Orthodox issued their creed they put their feet on the step of the steeple-house ; when they proclaimed their principle of submission to superior authority, they asked for admission into that steeple-house, and if matters progress, we shall next hear that they have gained admission into it ; but when they do, it can only be over the ruinous fragments of Quakerism.

But what other powers have the quarterly meetings beyond those which have been mentioned ? Do they become the advocates of the reports in the yearly meeting ? If so, it is not according to the rules in their discipline, and to that we must bring them back.

But, sirs, is it usage which operates to give force to their position ? If so, we ought to have been informed by Samuel Bettle, Samuel Parsons, Samuel Craft, or some one of those that have become the advocates of the reports, as evidences of power in the yearly meeting. The representatives present their reports ; they then have to remain until a decision is arrived at, not as partizans of the monthly meetings, or quarterly meetings, but as humble waiters in the spirit of truth ; there is no partizanship ; Quakerism repudiates all distinctions among its members, and denies everything like partizanship.

The representatives (and it is of the highest importance that they should do so, and it is also the easiest method) present their reports to give to the whole body an account of the state of that especial portion to which they respectively belong. After this they have one more important duty to perform, which is worthy of remark. It is to nominate a clerk, and, although I intended to enter on that matter elsewhere, I may as well consider now what is the nature and object of this part of their discipline.

Quarterly meetings are expressly directed to appoint a committee to nominate a clerk, and present his name to see if the body will receive him. This is directed by the Discipline, in p. 27 :

“ A committee should be annually appointed in each of our quarterly and monthly meetings, for the nomination of clerks ; which may afford opportunity for their being seasonably changed, and more of our qualified members exercised in those services.”

Now, in that sentence, if I comprehend it, there are weighty matters contained. There is an agreement that they will conduct the nomination by a committee annually sent for that purpose. The clerk is only nominated ; he is not appointed by the committee, and this is to be done as well in the monthly and quarterly meetings, as in the yearly meeting.

The object is to nominate a clerk, and to do it annually, so that he may be seasonably changed, and that more of the qualified members

of the society may serve, and they do it, by their representatives in the yearly meeting, and by a committee in the inferior meetings.

It is a *committee* composed of the representatives, that makes the nomination in the yearly meeting. It may be asked why this plan should be adopted: and the reason is obvious. In the yearly meeting, persons are wanted who can point out the members who are proper to serve in that office. This meeting might in some other mode procure such information as is required, but the object is to inquire into the extreme limits of the society, and therefore these representatives become the committee. The same reason will apply to the quarterly meetings. It is done in this mode, with a view that the sense of every part may be gathered. But the yearly meeting itself does not appoint these representatives or committee as the monthly meeting does. Why not? For the very same reason: that information may be procured from all quarters, and that a fair representation of the wishes of the whole society may thereby be given. A committee is appointed for the purpose, in smaller meetings, where all the members are personally known to each other—in the larger meetings, representatives do the same duty, as a committee, to accomplish the same end.

The representatives then are the mere committee for the nomination of clerk; they have no other powers; and after this is done, they sink back into the body, as other members. They there act upon the nomination as every other member does, in their original characters, as members. Thus we come back again to the great principle. The meeting is to consider whether the nomination is a good one, and come to their decision according to the spirit of truth whose dictates each member obeys.

The quarterly meetings which are under consideration, have no original cognizance in matters of discipline, and they exercise none. There is one act which they do as the quarterly meeting; give certificates to ministers, travelling without the limits of the yearly meeting. When a minister goes beyond the limits, or crosses the Atlantic, it is then required, in order to give importance to his certificate, that the quarterly meeting should join in it. This they do as an original act. In all instances, I believe, the monthly meeting gives certificates; but not alone. In the cases alluded to, the quarterly meeting must then join. Hence we hear, that when Elias Hicks went to the Philadelphia and Baltimore meetings, he went with his certificate, by which he received his authority to travel and preach, first from his monthly, then from his quarterly meeting.

The next meeting is the yearly; this consists of all the other meetings. It has been said that they consist of all the quarterly meetings. This is true in one sense, though not in another; they consist of all the members, but not as bodies in their capacity of meetings. The court will find in page 3 of the Discipline, a reference to this meeting:

“For the more regular and effectual support of this order of the society, beside the usual meetings for the purpose of divine worship,

are instituted subordinate to each other : such as, *First*, pre-ve meetings, which commonly consist of the members of a ng for worship. *Second*, monthly meetings, each of which only consists of several preparative meetings. *Third*, quar-meetings, each of which consists of several of the monthly meet- And *fourth*, the yearly meeting, which comprises the

These meetings have all distinct allotments of service ; and as science shows that when this service is attended to in uprightness edication of heart, with a single eye to the honour of our holy and the help and edification one of another, in the love where- he has loved us, our assemblies are often favoured with his aid irection. Friends are affectionately desired and exhorted to be nt in the attendance of them ; and when met, humbly to seek clothed with the spirit of wisdom and charity ; this will divest ind of a dependence on our own strength and abilities, endue us patience and condescension towards each other, and being pre- d in fellowship agreeably to our Lord's declaration, 'One is naster, even Christ, and all ye are brethren,' a qualification will perienced in our several stations and movements to build up one er in that faith which works by love to the purifying of the

d in page 1, you will find what is said in relation to appeals, and hey are to reach the yearly meeting.

page 8, you perceive that they receive answers to queries. Of will speak by and by. I will simply here make one remark, is their object? *Is it to found a disciplinary act on any of queries?* It is not, nor has it ever been so, in any case. I n this, speak too positively, not knowing anything of their dis- e personally—not having been born amongst them, and only g seen them, as others out of their society, have. I speak ac- g to my information ; but with confidence, what I believe with ence.

ay, then, that these queries are not intended as the foundation disciplinary proceedings ; and there is not one of them on which a proceeding could be founded. If there is one, which is it? he yearly meeting make them so? All they can do is on the entation of the quarters, or on appeals from individuals. I state ne more earnestly, because I thought my learned and eloquent drew from them an argument not founded in principle ; and d it in such a manner as to lead away with him, for a moment, my own feelings ; and I desire to bring the court back to the bearing of the question. If there is one query on which a dis- ary proceeding can be founded, which is it? I cannot find it. then, what is the object of the queries? This great body, for the good of the whole society ; they do not rely upon in- uals ; the yearly meeting sends queries to the quarterly meet- inquiring into the state of things there, and they are to be sent

thence to the inferior meetings, and so to be answered. Let us look at one of them. "Are friends careful to bring up those under their direction in plainness of speech, behaviour, and apparel; in frequent reading of the holy Scriptures; and to restrain them from reading pernicious books, and from the corrupt conversation of the world?"

How could the quarterly meeting answer this? Only through its monthly meetings; and these again only so far as concerns their own immediate neighbourhood, but not beyond it. The Burlington monthly meeting could not answer for the Chesterfield monthly meeting; therefore they are required to send up answers to the larger meetings; and the answering of these queries has one sole object in view—to look into the various bodies: if they were feeble, to make them strong, so that they may not lay down their testimony. In the yearly meeting these answers are all received, and the state of society in reference to this great object considered.

That meeting also answers and sends epistles. But do they thereby acknowledge subordination? It has no existence. When they send these epistles to Baltimore yearly meeting, do they acknowledge subordination to it? They acknowledge it to no man or set of men: it is the brother writing to the brother, not the servant to the master; it is not the inferior and subordinate to the superior and authoritative; it is not the slave to his ruler; but it is man to man, and heart to heart.

When they send epistles to the yearly meeting at London, do they acknowledge subordination to it? No connection ever existed between them, save the connection of epistles. Find me one of these in which subordination is acknowledged; and whilst I scorn the people that wrote it, I'll yield the cause of my clients. I have examined hundreds of them, and I seek in vain for such an acknowledgment.

Here are twenty-six thousand of human beings of this persuasion in Pennsylvania, nineteen thousand in New York, and ten thousand in Baltimore, (if such be the numbers,) who together write their epistles, not to acknowledge inferiority and subordination, but merely their unity. If the yearly meeting at Philadelphia acknowledges subordination to that of London; then the epistle written to Virginia does the same thing, for the connection between the two is the same. I challenge the production of a word ever passed between the Philadelphia and London meetings, acknowledging control on the part of the former, or bespeaking inferiority on the part of the latter. It is the connection of equality—the very foundation on which everything like Quakerism rests.

This yearly meeting, if ours, whose conduct is to be investigated, (a painful though imperious duty,) was established soon after the meeting in London, and so as to prevent the idea of dependence. It was established early in 1681 by the monthly meetings; after 1687 it was held alternately at Burlington and Philadelphia; after that year it ceased to be so held.

This may appear not important, but it will be found to be so. They met at Burlington one year, and at Philadelphia another. In 1683 there was a proposition to change it to Philadelphia; in 1684 the proposition was rejected; and in 1685 it was agreed to—but how? The evidence shows that it was not by the unanimous opinion of the meeting, but by the majority. They could not agree; but no unkind feeling arose; there was a condescension by the minority.

There is another point in this matter worthy of allusion: the consideration of the change, was for *the benefit of the young*. Let this be carried along with us in our deliberations on the argument used the other day in relation to the youth of the society. As these epistles and communications do not imply subordination and inferiority, so neither do the queries and the answers; the epistles and communications, which take place between the meetings within the same yearly meeting. They are intended not for the exercise of power and authority, but of brotherly love and mutual aid and comfort.

In connection with this yearly meeting, are the meetings of ministers and elders. It has been told how the ministers and elders are appointed. Their meetings are to support and sustain each other, and are to meet as often as those for *discipline*, but they are not to interfere with its duties. They have also a quarterly meeting and a yearly meeting held in Philadelphia, which must be scrutinized hereafter. I merely allude to it now, to show that there is the same routine in this respect, as is required in the other meetings. In p. 62, 66, 67, the court will find an account of it. But the elders might, in performing their appropriate duties, be *confined to their own meetings*; they have no right to go out of them. And here the adverse counsel has made an important omission. The elders and ministers are appointed by the monthly meeting within their own limits; if they have power to go beyond it, they ought to show it: they have not attempted it, because they knew it could not be accomplished. I ask for their authority. It is not for me to prove my position, it is for them to show that it is false, and if they fail, one of the important links in their chain of action and argument is broken. I have asked for their proof, and have not procured it.

There is a particular situation in which an elder may have a conversation with a minister and treat with him; but I speak now of their right of interference in matters of discipline; let that be shown; I say that when a man is appointed for a particular object, he has no right to go beyond it—for a particular meeting, that he must be confined to it.

I plant myself on the negative of the proposition, and say, that no principle of law nor common sense, can justify an officer appointed by one meeting, to go to another for the exercise of authority, unless he is so expressly authorized; and here there is no pretence of such authority. This position will bear impartially on the case, when discussing the conduct of the ministers and elders in

Philadelphia. We say there is no such authority as that claimed by them; and now demand, if it exists at all, that its existence be proved. It is intended to apply this principle, and to show that there never was a more gross or unblushing usurpation of power than that which has been manifested by the elders in this case. The history of no church can produce an instance, where members, lay or clerical, have ventured to go further for the gratification of private resentment. No other sect can furnish a parallel case of officers daring to go beyond the limits prescribed for their movements, in order to *exercise discipline* on any one.

Connected with the yearly meeting, (and it is the last of the train) is the meeting of sufferings; and it is important that the court should understand its exact character, in order that they may know precisely the power with which it is invested. For this purpose, it will be necessary to look a little back into the history and discipline of the society.

The meeting of sufferings originated in England at the period of the great distresses of the society in that country. It was established for the purpose of considering the cases of members suffering from the calamities, arising either from the acts of the government, the persecutions of individuals, or the ordinary evils of life. This was the original cause of its organization. The meeting in this country was established for precisely the same reasons. But what was it? It was not a monthly, quarterly, nor yearly meeting, where all the members could act, but a substitute for the yearly meeting, in what we lawyers call the *vacation*; or the periods at which that meeting was not in session. It was a substitute to transact the business of the society, when the other meetings were not sitting. It was a representation; and it is the *first and only exhibition of representative power* in this institution. Elsewhere it is a pure democracy; here it is representation. In other meetings, the members stand on their own ground; in the meeting of sufferings, they represent the yearly meeting, and consider such sufferers as that meeting would consider if it were in session. If then, it be a representative body, of course it has only the power of a representative body; and that is, to do what it is authorized to do, by those who appointed it, and to hold its place and power by the limits, as to time and extent, which have been prescribed.

In discussing our objections to, and resistance of, the acts of this meeting for sufferings, my learned friend chose to give some valuable reflections on nullification. They were, perhaps, well-timed, and if they were not, none could have avoided listening to him with pleasure. But he spoke of representation—I take the ground then and say, that in politics, religion, and everything else, representatives must be limited, both as to tenure of office and exercise of power, by the provisions of their constitutions.

The members of congress; or of the senate for example, what is *the limit of their authority*? Their letter of attorney—the terms of

the instrument under which they are elected—and they can neither hold beyond the time for which they are elected, nor do acts which the constitution does not permit. They cannot do that which they are not expressly authorized to do. The very essence of representation is to do what is commanded to be done and nothing more. It is a principle which lies at the very root of everything like representation, and when that principle is neglected or trampled down, representation ceases.

It has been remarked, that Quakerism was the finest specimen of democracy. I now say it is a fine specimen of representative power, and of the manner in which it is to be limited and controlled. Look at it for a moment.

This meeting for sufferings is composed of a number of members chosen from the various meetings. If all were chosen by the yearly meeting alone, Philadelphia, or its immediate neighbourhood, would then probably have had all the representatives. In order, therefore, to prevent this, twelve members are chosen by the yearly meeting, and four members by every quarterly meeting; thus giving a fair representation to the whole society.

Their duties are explicitly prescribed. In p. 53, of the Discipline, the court will find directions in relation to this meeting which do not exist in regard to any other. As thus: "In order that this yearly meeting with its several branches, might be properly represented in the intervals thereof, on emergent occasions, a meeting was instituted, anno 1756, by the name of the 'meeting for sufferings;' which it was agreed should consist of twelve Friends appointed by the yearly meeting (living in or near Philadelphia, for the convenience of getting soon together) and also of four Friends chosen out of each of the quarterly meetings; who were directed to meet together in Philadelphia forthwith, for the regulation of its future meetings, which are subject to the following rules."

If this had been an *original meeting*, the constitution would have said nothing on this point, but it is not so; therefore limitations are put upon it: "The said meeting shall keep fair minutes of its proceedings, and annually lay them before the yearly meeting," because it is accountable by its representatives. This meeting has no original power. I know it has been claimed, but it has it not; and the yearly meeting in Philadelphia has violated every principle in sustaining it in its exercise.

"No less number than twelve of the members attending shall constitute a meeting capable of transacting business."

It is to be observed that they have preserved their very name in order to regulate them; and it is because they are a representative body. Is it so with any other of the meetings? "On all occasions of uncommon importance, previous notice thereof shall be given or sent to all the members."

Again: "In case of the decease of any Friend or Friends, nominated either by the yearly meeting or quarterly meetings, or of their

declining or neglecting their attendance for the space of twelve months, the meeting for sufferings (if it be thought expedient) may choose others in his or their stead, to serve to the time of the next yearly meeting, or till the places of those who have represented the quarterly meetings shall be supplied by new appointments."

Of all gross and palpable perversions, the greatest has been exhibited on this article. On the strength of this item, Samuel Bettle went to the southern quarter to inform them, that they had no right to change their representatives; for that it was a permanent body. And this position has been seriously argued here. A moment's attention, not to facts, but to the provisions of this discipline, will furnish an answer to this assertion. Look at them as men of common sense; not as lawyers; with the simplicity and single-mindedness of the Quaker, not with the skill of the partizan, nor the subtlety of counsel, and no doubt will exist.

Is the quarterly meeting to re-appoint? No, but this meeting for sufferings; this very representative body *may make a temporary appointment*. If it had said that the quarterly meeting might appoint another, it might leave an inference that the quarterly meeting had not otherwise the power to do so. A man might die, and the discipline thus provides that this representative body might supply his place, till the appointing power can act. There can be no clearer elucidation of any given principle. It is a perversion, and a most shameful one, to make the words apply to the original appointing power. Can you put any other construction upon it? Can it apply at all to the original appointing power; for out of this they make this temporary representative meeting a permanent power. Does it not apply alone to the supplying of vacancies, till the original power can act? It merely *authorizes* the meeting for sufferings to make a temporary appointment. It says they *may* do so. If a member dies in the month of May, immediately after the yearly meeting is held, the meeting for sufferings may, if it be thought expedient, supply the vacancy for the time being, until the quarter can make an appointment.

The meeting for sufferings is not required to do this. And, I repeat, it is a perversion of the fundamental article to make it apply to the appointing power. The meeting for sufferings was never intended to be a permanent body; if so, it would have been so set forth in plain characters: but there is nothing like it. Here are great duties to be performed; and representatives are appointed for the purpose, yet we are told that we put it out of your reach to control the powers of that representation, the very moment in which we bestow them. Thus, the Burlington quarter appoints representatives, and the moment the appointment is made, those representatives become a permanent body. The proposition is too absurd for serious men; and the only wonder is, that men so respectable, talented, and worthy, could have been driven, either in the pursuit of their passions, or by the influence of party spirit, to entertain it. I allude

ous early to this matter, because it forms the very basis of all our difficulties; it will be seen by the investigation of the facts, that on this point the yearly meeting of Philadelphia, permitted most gross usurpation on the rights of the society. When the southern quarter desired to change its members, it was fully authorized to do so. What right has the creature to say to the creator, "you shall not do this." If it has, then there is at once an end to all representation, and the meeting represents no body; it is an independent body which no one can control, and over which neither the monthly, nor the quarterly, nor the yearly meeting can impose any restraint; they appoint men who cannot be turned from office, either for bad conduct, or on motives of expediency, or any other consideration. In the name of law and of principle, we protest against such innovations. We drew our notions of law and of principle from different sources, from our own purely democratic and representative system. In the 11th article it is said:

"The said meeting is not to meddle with any matter of faith or discipline, which has not been determined by the yearly meeting."

What is the meaning of this, "not meddle with?" it is an emphatic term. It is not, that they should not lay down the faith, and forth decrees, or exercise authorities over the consciences of the members, but it is that they should not in any way interfere with matters of discipline or faith. They were the representatives, and it was an impertinent interference with these matters, in those they represented; to touch it would be unconstitutional, and they were not authorized to do it. The ancient Friends, from the very beginning, have been most adroit in the choice of words, and this is satisfactory proof of it. It then goes on:

"The further services confided to the said meeting for sufferings, are—

"First. In general to represent this yearly meeting, and to appear on its behalf in any cases where the interest or reputation of our religious society may render it needful.

"Second. To take the oversight and inspection of all writings proposed to be printed relative to our religious principles or testimonies; and to promote or suppress the same at their discretion; so to print and distribute any writings already published by the society, or which may be offered for inspection as aforesaid, and approved."

In connexion with this the adverse counsel have referred to the writings of "Paul and Amicus;" but of that by and by:

"Third. To inspect and explain titles to land, or other estate belonging to any of our meetings; also charitable legacies and donations; and to give such advice respecting the same as may appear to be necessary."

I do not know that on either side any strong inference can be drawn from this matter. It shows great paternal kindness, and looks to the security of the title to the land; but do we thence

infer that the yearly meeting can claim this property itself. If giving advice and taking care of the title, prove an interest in the society, then indeed, their title to all the property is good; for they have been careful to advise on this point. But giving advice is no evidence of title to land:

“Fourth. To receive from the several quarterly meetings their annual accounts of sufferings, and also such memorials concerning deceased Friends as those meetings may have concurred with; that when examined and approved, they may be laid before the yearly meeting.

“Fifth. To extend such advice and assistance to any individuals under sufferings for our testimonies as their cases may require, and if necessary, to apply to the government or persons in authority on their behalf.

“Sixth. To correspond with the meeting for sufferings in London or elsewhere, on the common concerns of the society.”

In this little item there is full evidence that the view which I took when I spoke of the epistles, is true. The meeting for sufferings is to correspond with the yearly meeting, on the general interests of the society:

“On solid consideration, it is agreed, that though none are properly members of the meeting for sufferings but such who are appointed by this yearly meeting, or by the several quarterly meetings; yet that approved ministers and members of any other meeting for sufferings corresponding with this, be permitted to attend when they be inclined so to do.”

Is not this a proof that the view taken of the whole meeting of sufferings is correct. If the principle laid down is right, and it is the only plain and honest principle, how can that provision have been adapted to those limitations and restrictions on which the powers of the body are to be exercised.

The powers of this meeting are expressly set forth; they cannot be exceeded without an undue exercise of authority; and if the meeting of sufferings at Philadelphia has done it, they have violated their duty, pure and honest as they may claim to be before the world.

There are one or two other things connected with the meeting of sufferings worthy of note. It has thus far been argued, that that meeting is a representative body, and not a permanent body, unless made so by the prostration of the discipline; but in the history of the society, there are conclusive proofs of these positions. What was the meeting of sufferings originally? It was a *mere annual committee*? In 1756, it was instituted in this country during the afflictions which arose from the Indian troubles, and designed for prompt relief to Friends, who required that relief before the yearly meeting could assemble. But in England as well as here, it was a mere committee appointed from year to year by the yearly meeting, and to continue in existence only till the next yearly meeting should assemble. I refer to Gough, and every other book that speaks on the sub-

ject. When the year expired, the meeting of sufferings laid their proceedings before the yearly meeting, who approved of them or otherwise, and it was continued for the year by particular minute. In about twenty years after its establishment, a minute was made for its continuance ; and out of this, Samuel Bettle and others argue that it was created a permanent body without control. Until the year 1761, it was continued annually, reserving the right of change to the quarters as they should think proper ; in 1764, it was continued, as expressed in former minutes, still reserving the power to change the representatives. In the discipline of 1768, page 55, is again continued, "agreeably to former minutes." It remained exactly in the same state till 1794 ; and then the body, now so permanent, was continued as formerly ; that is, standing on the same ground as the annual committee ; but there is a condition attached to it ; namely, that the meeting "give notice to the quarters, if members are negligent of their duty ;" and the beneficial object of such a provision is obvious. But if there was not any power to change the members, of what use could the provision be ? It is of itself proof of the power of the quarters, to turn out on urgent or proper occasions ; a conclusive argument, that such a power did exist.

In 1761, some authority was added, by making the meeting overseers of the press ; thereby to prevent the members from issuing doctrines, not becoming them, as the members, or the society at large. From that day, to the day the last Discipline was issued, there is not a single alteration to be found.

I have gone through the books of Discipline, minutes from the early meeting, and everything else, and this is the clear sense and substance of the whole. So it remained until the year 1806, when the provision was made on which Samuel Bettle founded the adverse argument ; and that provision is only, that, in case of death or neglect, the meeting of sufferings may choose others to serve, until the quarters supply their places ; a provision manifestly intended solely for the supply of vacancies, but furnishing no restriction or limitation on the quarters,—the appointing power—but leaving them to choose their representatives as they had done from the beginning. Yet it is this which sent the agent to the southern quarter, and induced the meeting for sufferings to take the course it did, disregarding all principles, scoffing at all discipline, and trampling upon all law. A greater abuse of power, or a grosser usurpation cannot be shown.

It is not easy to perceive how the character of this meeting could have been misunderstood or misrepresented. It is merely a representation from other meetings, to sit in intervals of the yearly meeting ; has no powers but representative powers, and cannot go beyond prescribed duties. These are explicitly stated : such as to examine books proposed for publication ; and even if there should be improper conduct in regard to this, they have no power to punish or deal with the offender, but they must report to the monthly meeting, that he may be dealt with there. They are forbidden to *meddle* with disci-

pline or faith—are required to keep minutes, and lay them before the yearly meeting, and which have authority or value, only as they are approved by that meeting. Their number to transact business is prescribed, being 12, and they can act on important occasions, only upon giving notice to those members, who represent the quarters, as well as the yearly meeting. Even the times within which they are to meet are limited, and the points on which they are to represent the yearly meeting, explicitly stated. That such a body should be permanent, would be matter of special wonder in such a system.

I have now gone through the organization of the different societies, so far as they stand on different grounds, and have a few remarks to make on the common character of all of them. These remarks are connected with the following points: First. As to the mode of decision of each of them. Secondly. Of the appointment of a clerk, and his powers; and Thirdly. As to the question of subordination. On the one last named, so much has been said already, that it will scarcely be necessary to detain the attention of the court longer, as to it, and the subsequent remarks will be confined chiefly to the two first mentioned points.

Court adjourned.

Monday morning.

MR. SOUTHARD resumed.

I have endeavoured to exhibit those existing features of the society of Friends, which peculiarly distinguish them from other denominations of christians; to explain their mode of discipline and organization throughout their different meetings, from the preparative meetings through the monthly, quarterly, yearly, and the meetings for sufferings.

I now proceed to state, that there are certain features common to all the meetings. And first, they have but one officer, namely the clerk. They have no presiding elder, or ruler over any of their meetings. They profess to have a head: but this is not one of themselves, it is Christ, the great head of the universal church; and in this doctrine the Orthodox and the Friends agree with each other and with the early Quakers.

It was before observed, that there was annually a committee to bring forward to the notice of the meeting, a fit person for clerk, and that in the yearly meeting the representatives formed the committee for the selection of this officer, according to the annual practice established in the Discipline, (page 37,) and that this plan was judiciously intended to change the clerks *seasonably*, and bring forward a greater number of competent men to fill the office than would otherwise be known or introduced to public usefulness in the society. In this they carry out the principle of our political institutions, which has been found to be not less conducive to preserve their pa-

han to exalt the character of public men. This officer was annually, and *there is no rule by which he could be continued* *than this period, unless re-elected in the regular manner of society*, and we now call for the production of any rule which he can be continued until another is appointed. William Jackson testified that he knew of no such rule. Evid. vol. i. p. 104. The justice here fell into error, when he said that "ancient custom and on the obvious dictates of reason, had established, in this regard, an operative law. The clerk and his assistant of the preceding year were to act ; and, without any new appointment or induction, were authorized to continue to discharge their appropriate functions, and the names of other persons were regularly brought forward, or, in other words, appointed." The only testimony to which he refers in support of this opinion, is that of William Jackson before mentioned, who says it had been always the practice for the old clerks to serve until new ones were appointed." But this statement is an evasion (I will not call it artful,) of the real point, and means no more than that the clerk continued until the regular annual period for the election of another ; for when the question was put to him directly on this very point on which he had expressed his opinion, he testified, as I have before stated, *that he did not know of any such rule*. He was an aged and venerable man, and well knew the duties of his society upon every matter to which it had been applied.

This, however, is a controlling point in the conduct of the meeting, and I put it to the court that the chief justice was wrong in relation to it. But he was not only wrong upon the material fact, but upon the principle and analogy. It is so in no meeting—assembly, legislative or otherwise, unless so provided by its charter or constitution, or by the votes of its members. The clerk of a society will open the house—but he does not continue clerk after the meeting is opened, except by the expressed authority of the body. It is upon the *failure to agree* upon the selection of another that he is put upon their agreeing that he shall continue. He is to act until another is proposed by the committee—until a new clerk is nominated. If he act after that, it must be by the expressed wish of the meeting.

What is clerkship is a yearly appointment, and what are the duties which he has to perform ? He is not to preside, says Penn, "after the manner of the assemblies of other people," and says Fox, "he is not the sense the ruler of the meeting ;" he is not to poll the meeting, nor, were, to ascertain its opinion ; nor is he to debate any point on which its opinion may be divided. He has not one of these powers : then has he to do ? In the following answer to this question, I give a statement in which I trust we shall all agree. He is first to ascertain the sense of the meeting upon any proposition or question which may come before it, and to record it according to the best determination which his judgment of the prevailing opinion suggests. He does not ascertain this prevailing opinion by finding a numeri-

cal majority ; it is by an entirely different mode ; to give a full and distinct explanation of which might perhaps be difficult to one of the members themselves. Clarkson thus succinctly states the process. " When a subject is brought before them, it is canvassed to the exclusion of all extraneous matter, till some conclusion results ; the clerk of the meeting then draws up a minute, containing as nearly as he can collect, the substance of this conclusion ; this minute is read aloud to the auditory, and either stands, or undergoes an alteration, as appears by the silence or discussion upon it, to be the sense of the meeting : when fully agreed upon, it stands ready to be recorded." (1 Clarkson's Portrait. Quak. 157.) The proposition, whatever it may be, is made affirmatively, and if there be no dissatisfaction or opposition expressed, it is then deemed apparent that the proposition is approved of, and in due time is recorded accordingly. But if, as it sometimes happens, that some members speak in approval and others oppose, it is obvious there is not that unity without which the question cannot be decided ; (1 Clark. 210, 11.) it is therefore postponed for further temperate discussion, or altogether withdrawn. Sometimes, however, and not unfrequently, after a solemn and silent deliberation, those who oppose or those who approve a measure yield up their opinions in deference to those others, under the light which they have ; (Bar. on Church Gov. 78. Opinion, 26, 28. 2 Fox Journ. 174. S. Bett. Evid. vol. i. 64.) and in order to ascertain whether this has occurred, the clerk takes a minute of what he believes to be the correct and most weighty opinion, and reads it to the meeting ; and the members generally believe that " the spirit of truth," when the meeting is " rightly gathered," will be so diffused through their minds, that they will be guided and influenced by a judgment and wisdom better than their own, " and that their clerk will be led to act under the overshadowing of that power which is not at his command, and which will enable him to make proper decisions." If, however, upon his reading his minute, there be any objection manifested, there can be no conclusion come to ; he cannot, as it is expressed, " record without doubt," and the question is either deferred or altogether abandoned. That great principle, on the illustration of which I detained the court so long, it will be seen is influential in this process—that spirit of Christ, who is emphatically the truth, and who has promised to be with those who meet together in his name, and to instruct them, is always mentally appealed to, to hold the balance of decision in all their deliberations. I may very inadequately convey this principle to the comprehension of others, and Samuel Bettie himself, who had been twenty years clerk of the yearly meeting, states that it is with very great difficulty that any person without the circle of the society can comprehend it, though it is clearly and distinctly understood by those who have been accustomed to feel and witness its operation. But I believe it is generally considered that the opinion which the clerk records, is in almost

every case respected and relied upon as true, though if it should be ascertained to be otherwise, it may be annulled.

Now I make this inquiry. Although there are no votes obtained, no majorities ascertained, can there be, in this mode of decision, any such thing as disregard to the sense of the majority of the meeting? So far from it, that the opinion of the clerk concerning that sense, can scarcely be supposed to be formed but from an actual reference to the majority principle. It is not, indeed, always true that the spirit of truth falls first on the majority, any more than it never rests upon the minority, but when it does come and is expressed, it acts upon the intuitive perceptions or judgments of all, and there is unity. It may not indeed be given to more than one individual—to even a youth—and there are said to be many examples in which it has first been exclusively bestowed on individuals of very tender age, and who may thus be the medium of conveying the light to all the others. There may be, to use the peculiar language of the society, some upon whom the light more frequently beams than upon the rest of the meeting, and whose sentiments therefore, are of great weight and influence; but it does not necessarily follow, from their being thus frequently favoured, that they are always free from error, in any particular case; and accordingly they concede to the opinions of those who on such a case, are more distinctly favoured than themselves. But one great principle prevails, namely, that where the spirit of truth is, there is unity; and that this spirit of truth “cometh down from the Father of light, with whom there is no variableness nor shadow of turning.” It is not for us to say whether this principle is actually realized or not, for this must be left to a keener sight than ours, but whether it be or not, it is a beautiful principle. How deeply is it fraught with the simplicity of the christian character, and founded, perhaps, not less securely upon a true philosophy of mind, for upon how few questions would mankind disagree, were candour always open to give and receive the concessions of prejudice and error, and truth the sole object of inquiry? Questions thus divested of extraneous incumbrances, become presented to the mind in such a simple perspicuity as renders them fit objects for that intuitive power of perception to which all propositions, however intricate, must be brought, before the judgment receives them as true. But whether this appeal to the inward light of truth be rational and well founded or not, it is a principle of great importance established in this society, and we are authorized to carry it through all its legitimate consequences.

In the case then of the disagreement before us, it is not for us to say which party possessed this spirit of truth, or whether either possessed it, for unity was not found among them. I know not by what measure I can read, nor by what scales I can determine a problem so inscrutable. And there is no standard of reasoning by which the court can determine between the claims of those parties to superiority of spiritual light and truth in this case; and I call upon this and

all other courts to beware how they intrude, with the flickering taper of human reason, into the sanctuary of inspiration. When a case of this kind is unfortunately brought into a civil court, I deny the power of any human tribunal to decide upon such peculiarities as those which it involves. You have here a case upon principles totally unknown to our laws, but they run through all the institutions of the parties to this appeal, and are intricately blended with every branch of the question upon which you are to adjudicate. The court can only say, "we cannot tell which of these parties had most of the spirit of truth, and can therefore only declare, that upon the matter of their difference, there was a majority in favour of equal rights." Here alone is a principle which you can recognize, and you have no other rule. You have heard from day to day, that the majority principle is unknown in this society. I freely admit it, so far as counting votes is concerned. I admit it further, so far as every decision is concerned, which is made upon the true principle of the sect. Unity—unanimity is the rule of decision. All must agree, or no decision is made. But does this prove, that while the rule of majorities is unknown, that of minorities is not only known but acted on? And that a record may be made of the sense of a meeting, when the larger number protest against it, or do not concur in it? When and where was this doctrine promulgated and established? Never—never, until Samuel Bettle acted upon it in utter disregard of unity. It was reserved for those days to discover and proclaim it. All agree—witnesses and books—that if there be opposition, no conclusion is come to, and that if a minute be made which is not acceptable, it may be altered. How does this comport with the minority principle? With the decision of the few weighty members against the judgment of the larger number? The doctrine of our adversaries would spurn the great truth by which their society exists—it would destroy the equality of the body—and establish a perfect unmitigated despotism in matters of conscience.

If then the clerk is elected from year to year—if there be no rule or usage that he is to serve until another is elected, unless by the expressed sense of the meeting—if he is to gather the sense of the whole meeting and not that of a part only—if when there is no unity there can be no valid decision—a fundamental point in which all are agreed—a question naturally arises, what is to be done when there is an irreconcilable difference, upon a question essential to the existence and action of the body, and neither party will condescend to the other? But one answer can be given—the majority must, *ex necessitate*, govern. Human ingenuity can devise no other course—human tribunals can decide their controversy on no other principle. Fortunately for this society, but few instances have occurred in their history, to test the truth of this position. But there have been one or two, which give it sanction. I allude to the case of the separatists in early times, and to that of George Keith about 1693-4. In the latter case, Keith went off and claimed the majority to be on his

le—a claim most stoutly and truly denied. The majority was gely against him, and in their meetings where the controversy was rried on, that majority directed the clerk in his decisions, and the nutes which he made. Jennings's Statement, 38, 39, 40 ; Keith's ea for the Innocent, 10, 16. This was so of unavoidable necessity, d must be so, wherever there is an irreconcilable difference. It ist be so in the present controversy. My clients were clearly the jority of two-thirds or three-fourths, as is established by the evi-nee—and the decision which would subject them to the control of ew—of one man—the clerk, when it is not in their power to unite der the guidance of the light which is vouchsafed to them, would intolerable oppression.

Having looked to the powers of the clerk of the yearly meeting, d the mode of decision on questions brought before it, I have but e other point to which I will at present request attention, and that the system of subordination into which the other dependant meet- gs are arranged. Now, the court will perceive that the question ates to subordination, in relation to property.

The chief justice, on this point, says, “The meetings for business ; four in number, marked and distinguished by characteristic dif- ences ; preparative, monthly, quarterly, and yearly. These are nected together, and rise in gradation and rank, in the order of ir enumeration. Each yearly meeting comprehends several quar- ly meetings ; and each quarterly meeting several monthly meet- gs ; and every monthly meeting embraces several of the lowest ler, preparative meetings. The preparative meeting is connected th and subordinate to some monthly meeting ; the monthly meet- ; to some quarterly meeting ; the quarterly meeting to its appro- ate yearly meeting. This connexion and subordination are con- utional and indispensable ; insomuch that if any quarterly meeting hdraws itself from its proper yearly meeting, without being in ne due and regular manner united to some other yearly meeting, ceases to be a quarterly meeting of the society of Friends. In e manner of the other meetings, down to the lowest. So that if reparative meeting withdraws from its peculiar monthly meeting, l does not unite with another of the same common head, or some er legal and constitutional head, or in other words, some acknow- ged meeting, it does, from the moment, and by the very act of hdrawal, cease to be a preparative meeting of the society of ends.” And he refers to S. Bettle, S. Parsons, and divers other nesses to sustain his view. I beg attention to his references, for y fall short of reaching the extent of the claim. They do not m, to me, to show its existence in the light applicable to this se, and H. Jackson, Ev. vol. 2, p. 178, expressly denies it.

It is, indeed, true in military life, that the colonel is subordinate the general, the major to the colonel, the captain to the major, and lieutenant to the captain, &c., and so it is in many other cases, other institutions in society, that there is a descending series of

subordination, from the highest to the lowest, but this results from the ~~law~~ of their organization; and when our adversaries claim that it results from all subordination—that the infirm must submit to the superior upon all points, the assertion is denied. It submits only on the points required by its constitution, and the necessity for submission must be shown, not presumed. Subordination, it is true, means gradation, descending series, state of being inferior, but the nature, and character, and extent of the inferiority, must be determined by the law which creates it, and no subordination requires a sacrifice of, or applies to, property, unless it be so provided, *in tot verbis*.

It is an affair of proof, and that proof must be exhibited to establish the point of the present case; and when I look into their code of discipline, their constitution, where only I could expect to find the claim of this subordination traced, the only intimations of its existence which I can find are, that in cases of religious concernment, and some others, they are to answer such queries, and render such accounts as circumstances may require.

But we are not here to discuss this point in reference to such matters. We are here on the *question of property*, and they must prove that there is such a subordination in reference to *property*. Here the chief justice has not, as in almost all other cases, shown the line of argument by which he arrives to this conclusion; he makes it as a mere declaration, unsustained by reference to rights of property. Now we aver that this subordination and connexion is not in the contract as to this property, or any other belonging to the society. How does the superior meeting ever reach the inferior except from the appointments of the latter to the former? These appointments are never made in relation to property? None such, I think, can be found in the history of the society. They arise from matters of a different character, and create, or recognize, no inferiority. If they do, in what respect is it? Not as to persons. They are the same in both meetings, except more numerous in the larger ones. Not in the acts which may be performed by the different meetings, for they are the same. The superiority, if there be any, is only of advice and appeal. To the former, the lesser should listen with meekness; the latter relate only to discipline, and that only for the benefit of the individual.

It has been before stated that the larger meetings publish rules, agreed upon by all to produce unity, and also receive answers to queries, with a view that all, being frequently reminded of their testimonies, may be more careful, and every part being subjected to the observation of the whole body, may be more guarded and vigilant. But neither of these can affect the question of property.

I refer to Ev. vol. i. p. 263, Jos. Whitall; p. 347, 348, and 349, Samuel Craft; vol. ii. p. 314 to 326, James Brown; p. 68, Halliday Jackson; 3 Gough, p. 300.

The learned judge and the counsel ought to have shown how the subordination affects the question of property; but it never had, and

ever can have any control over it, *except* upon the *principle* that the property belongs to the church all over the world ; a principle sustained by Thomas Evans, and which is necessary to support the orthodox claim. A principle which will carry it from Chesterfield to Burlington ; thence to Philadelphia ; thence to Virginia, or London, or wherever the most of Orthodoxy may be found, or imagined, or assumed ; a principle abhorrent to every idea of law, and justice, and humanity.—Ev. vol. i. p. 272, 273, and vol. ii. p. 368, and 374, Thomas Evans.

It would seem to me impossible that any court should establish a trust here which would carry the property beyond our jurisdiction to those over whom there can be no control here, and who may disregard its nature and objects without restraint. The condition of the bond ; the letter of the trust should be clear, beyond debate, to justify such a decision. But there is another view, in relation to this point, worthy of consideration. Long before the establishment of the yearly meeting, the monthly and other meetings had acquired property, founded trusts for themselves and their children, and were in full possession and enjoyment. Part of the property at Chesterfield and Crosswicks was thus situated. We ask for the evidence, that on the establishment of the yearly meeting this property was changed and surrendered to the yearly meeting. Where then is the instrument of surrender ? No such instrument ever existed ; it never has been surrendered, in any manner, at any time. How can it, then, become afterwards subject to the control of the yearly meeting ? Did the trustees afterwards go to the yearly meeting, or elsewhere, to ask aid to raise, to increase, or to manage these funds in support of this trust ? They have never done so. How then can those who have had nothing to do with the creation, the increase, or the management of this trust, have any claim upon its funds, or upon its management ?

The very nature of this property confirms our denial of such connexion and subordination as has been insisted on, and of its subjection to any such control as has been pretended ? Upon this point see 3 Gough, p. 125 to 136, 145, 146, and 147 ; Ev. vol. ii. p. 26 ; vol. i. p. 263 ; 5th paragraph, pamphlet of Original Bill.

This yearly meeting which makes this claim, has not itself one cent of property, one inch of ground ; the very house in Arch street in which it meets, it holds upon sufferance, and is liable to be turned out of it whenever the owners may please, and it can, in no mode, resist the expulsion.

We are told that the minority is to govern in this case, and the property is to follow them, because they are composed of more weighty members than the majority can boast of. If indeed they mean in the specific gravity of their persons, this claim may possibly be well founded ; but if they mean in that moral worth, which can be tried only in “ the balance of the sanctuary,” they may possibly be “ found wanting ;” at least their superiority has not yet been evidenced.

The numerical minority have undertaken to disown the majority, and upon this weighty principle, to take all the property to themselves; but if the basis of this claim be valid, what is to prevent its being carried to any extent, even to sustaining a claim by the smallest possible assemblage? Once a yearly meeting in the West Indies dwindled down to two persons. One of them feeling that it would be a very inconvenient and unpleasant thing, for any dispute to arise between them respecting a considerable amount of property which thus devolved upon their management, determined within himself to disown the other; and having done so, he took all the property to his own safe keeping. The practice upon their principle would put to scorn all sense of common justice. The example alluded to, might be followed without much difficulty; and all the property at Chesterfield, be made to centre in one man. Samuel Craft, for example, who, though he has, doubtless, more true orthodoxy and honest principle than the West Indian, has certainly no less zeal and ingenuity. There is no limit. If a minority may be thus preferred, then any minority—even two—even one. The principle of disposing of this property according to the voice of the majority, is the only one which is safe, legal, just and equal, and on which the question can be correctly decided, when brought into a temporal tribunal.

The course which has already been taken by our adversaries during this controversy, illustrates the principle for which they contend, and shows its monstrous injustice. We are not left to speculate about results. Take a few instances as examples, in which, though I may err slightly as to numbers, the substance will be correctly stated. They are taken principally from Evidence, vol. ii., pp. 67, 459, 6, 7, 66, and from the testimony of Abraham Lower. See Evidence.

The monthly meeting at Maurice River, consisted almost, if not entirely of Friends—there being few or no Orthodox. The quarterly meeting at Salem have laid it down. The property collected by themselves for their own use, must go to Salem quarter or elsewhere.

Piles Grove monthly meeting, comprised three preparative meetings. At Penn's Neck, there were no Orthodox. At Mullica Hill, only two or three. At Piles Grove, five or six. In all, from seven to ten; and among these, not more than one or two held any station of minister, elder, overseer or clerk—were not, in Orthodox language, weighty members; yet they, by the aid of others at a distance, laid down the meeting. Of course, the property of the whole is subject to this Orthodox principle.

Greenwich preparative meeting, a branch of Woodbury meeting, had *one* Orthodox. Is Woodbury meeting to take their property too? and are all their meeting houses for the public worship of God; their school houses for the education of their children; their graveyards prepared for their repose, by all these large and respectable societies, to be torn from them, by this uncompromising, unchristian

tian principle? The court will pause before they make a decision which must lead to these results.

Take another example. The southern quarter is in Maryland. All its meetings, and nearly all its members, are united with Friends. No separation of importance has taken place, and all the meetings within its bounds are held there, as they have always been, and are under the ancient and long-established discipline. The Arch street yearly meeting of the Orthodox, have undertaken to lay down this quarter, and joined it to Concord quarter, which is in Delaware and Pennsylvania. The few Orthodox that seceded, could not hold meetings, and a committee was appointed to aid them in forming new monthly meetings, and they proceeded to disown the great mass who were moving on in the unvarying order of the society. Are these few, with the Concord quarter, out of the state, to seize and enjoy all the property? There is no honest principle or feeling of the human heart, which does not rebel against such wrong; and no Jersey court ought to sustain such principles.

There is one position brought to our view by this latter case, and by the minority principle, which must not be overlooked. The southern quarter was in Maryland; it was joined to Concord quarter in Delaware and Pennsylvania. Suppose it should be the desire of the Friends in New Jersey, the great majority of all the Quakers, to withdraw from the yearly meeting in Philadelphia, whether at Arch or Green street, and establish one for themselves within the limits of their own state. This principle would prevent their doing it, except upon the condition of forfeiting their whole property. They must depend on the will of the weighty few in the present yearly meeting, they would be disowned, and their rights taken away. They must be Orthodox, or they must suffer penalties and forfeitures; and to this thralldom there is no end. If they are *now* subject to disownment, to laying down of their meetings, to loss of their rights, they must always remain so, and the future can afford them no relief. I venture to say to the court, beware how you pronounce such a decree.

I come back again then, to ask your honours, is there *such* a subordination, connexion, dependency, subjection, as is contended for by our adversaries. Both parties admit a subordination, but we deny that it has any reference to property. It is designed to support the good order of their society, to sustain their testimonies. Their appeals never relate to property. Their scheme is designed to ensure proper conduct in religion and morals, and hold out to the world a high example of peace, unity, concord, brotherly love, which may draw all men to the peace-giving spirit of the gospel. It is matter of gratification, that in the view which I take of these principles, I am not opposed upon some points which seem essential, by the truly great man whose opinion I resist. In page 15, I understand him to avoid the questions, whether a monthly meeting can be laid down, a superior control an inferior in property, or control it in any way

without appeal. Now these are of the very essence of the questions under debate. Unless these things not only can be done, but are done, the inferior meetings remain—are in possession of the property, subject to the discipline within the order of society, members of the great whole, in the enjoyment of their rights. Something must be done to fasten the forfeiture upon them. They are, it is true, in a certain sense, as members, not as meetings, parts of that great body; (Opinion, 17, Evidence, vol. i. 321,) but they must be severed from it in some mode consistent with its constitution, and applicable to their rights of property, before they lose those rights.

If the court will look now, to the general facts in regard to the action of the Chesterfield meeting, they will find the application of my views. The school for which this money was intended, was then, and still is, in existence. In January, 1827, the preparative meeting was united, (Evidence, vol. i. pp. 108, 9, 10; vol. ii. p. 287,) and the treasurer with a minority withdrew, leaving the body organized and in action. Their withdrawal, even upon our adversaries' principles, left us in possession and right of possession, of the property. Evidence, vol. i. pp. 342, 387, 389, 314, 326. If we are to lose our rights, because we left the Arch street meeting when it was in full organization, with officers appointed, surely this minority lose their right to the school fund upon the same principle.

The court adjourned.

Monday afternoon.

MR. SOUTHARD resumed :

I have stated to the court, that in the proceedings of the preparative meeting, Hendrickson, the treasurer of the Orthodox party, had withdrawn himself, renouncing thereby, all right, and creating a vacancy which it was the duty of the meeting to fill. The office of Hendrickson was at an end, and Decow was regularly appointed.

The treasurer held an appointment during the pleasure of the meeting. Three persons only had held the office in thirty years. That he might be released whenever the meeting chose, was not expressly provided in specific cases, for the unity forbade it; but it was the inherent right of the meeting. His duties are clearly defined; to dispose of the money, under the control of the trustees, and to account annually. The trustees were to superintend the school, appoint teachers, and report the state of the fund at the commencement of every year. These duties were to be performed when the preparative meeting met in January, 1828. They reported that they had called on the treasurer, and he had refused to give *them a statement of the fund*. It was also known to the whole meeting, that he had, in the preceding month withdrawn, denying their jurisdiction over him. That meeting was an unquestioned one, having

a clerk appointed by Hendrickson and all others; none had been disowned, nor the meeting dealt with. The withdrawal then of Hendrickson vacated his office, and the appointment of his successor was necessary and proper, (Opinion, 61, 62,) upon every legal and just principle.

The case of the Purchase preparative meeting in New York, has been brought before us. I am willing to receive the doctrine therein laid down in one point, because it has weight: but not the remainder, because it is not, I conceive, well supported, and is an appeal from judge Emmet, whose opinion carries much authority with it. His opinion seems to have been submitted for review to two judges of the supreme court, but one of them was obliged to withdraw before the case was concluded, on account of his sickness; and judge Nelson alone reviewed the opinion. It is then, at most, judge against judge—Nelson against Emmet.

Judge Nelson decides that as the Orthodox party withdrew with the clerk, and the treasurer remained, the meeting that had the clerk with it, was the regular meeting. He says, on page 97:

“If we look at the constitution and modes of proceeding of the monthly and preparative meetings of the Friends, as detailed by the witnesses on both sides in the case, I cannot entertain a doubt that Thomas Carpenter was legally appointed the successor of the plaintiff, in the office of treasurer of the Purchase preparative meeting, on the first of January, 1830. It is said that the monthly meeting in June, 1828, under which the Purchase preparative meeting was held, was not the legitimate one, and that the latter, according to the system of the meetings of the Friends, was therefore held without authority. The fact is otherwise, if we regard the only account we have of the rules and practice of their proceedings. H. Griffin was the clerk of that meeting. This office is the most important one belonging to it. He decides all questions that arise, after hearing the discussions and opinions of the members.”

And, therefore, Carpenter was the regular treasurer, because the clerk remained with the meeting which appointed him. Apply this to us. Here was the regular men's meeting. Hendrickson had deserted them. It was necessary to appoint a successor. If authority vested any where in this case, that authority was with us: and judge Drake himself, admits this point. Thus, he says, on page 61:

“It appears by the testimony, that on the twenty-seventh day of December, A. D., 1827, the Chesterfield preparative meeting of Friends was divided, by the minority of the members, assembled at that time, withdrawing to another house, leaving the majority, with the clerk, at the usual place of meeting. They continued their business there; and the minority organized anew, or held another meeting, having appointed a new clerk to act for them.”

And he refers to cases to which an examination will be given hereafter, and they will be found to support our views. The case in

Massachusetts, must be examined under another aspect. Judge Drake, (page 61,) admits that

“If this preparative meeting were an *independant body*, acting without the influence of any conventional principle operating upon this point, the act of the minority on this occasion would not affect the powers of the majority who remained in session; however it might expose itself, and the members composing it, to disabilities. But the right to make appointments, and to exercise the other functions of the preparative meeting, would still continue with the larger party.”

What conventional principle did the meeting act on, that would destroy the legal principle. It could be only on the ground of the subordination of lower meetings to higher in relation to property. I have called for proof of such principle; it has not been given. We have, therefore, judge Drake with us in regard to the legal principle, though in regard to the religious principle, he is against me. If Hendrickson's office ended here, his right to the money ended with it. And if the infallibility of the clerk is of any avail, we have that argument in our favour, for the clerk was with us. It matters not under what aspect you view it, Decow is entitled to the place. This is the plain result, and must be so if that was the preparative meeting of Chesterfield to which the clerk adhered. It professes to be so. And the court cannot look beyond that. *A religious society can be judged only by its professions*, and not by any inquiry whether the members believe as they profess, or live up to their profession. This applies to all denominations. If a presbyterian society professes to receive the confession of faith, a court has no right to inquire further, because it should not pry into the consciences of men. Take, for example, the presbyterian church in Trenton; how can you ask from it anything more than a profession of its faith? If it declares it will not receive the confession of faith, then you have a right to act. If you had the means to inquire further, you would not have the power without violating law and constitution.

This preparative meeting professes to be the preparative meeting of Chesterfield, and to receive and act by the discipline of the society. It was composed of the same individuals that composed it in the year before. It had not been dealt with; it had not been disowned by the monthly meeting. When did it cease to be the preparative meeting of Chesterfield? It could not cease to be so, without some act of its own. When was it treated with, either before or after the separation, for such act? In the two large volumes of evidence laid before the court, have you any evidence of its having been laid down? Has even the new monthly meeting ever dealt with it, or laid it down? No, it stands untouched yet. Can a congregation be excluded from the presbyterian, or from the episcopal church, without some act of that church? When this testimony was taken, the Orthodox party had not laid down the Chesterfield

preparative meeting. Why, I know not. But the fact is as I have stated.

Independently of all action upon it by others, I have to say, that this preparative meeting professes to be a preparative meeting of the society of Friends. Does part leaving it, destroy it? That question is answered in the negative by Judge Drake, and will be so answered by every lawyer. Ten or twenty leaving it, cannot take away its rights. If this can, Arch-street yearly meeting is at an end.

But it is contended that this preparative meeting has lost its rights by its acts of insubordination to higher meetings. Let us test by the facts, this question of subordination.

If any power has a right to act on a preparative meeting, it must be the monthly meeting. No power of either the quarterly or the yearly could reach it, except through the monthly.

Look at the proceedings of the meetings. The same persons that composed the preparative meeting with many others, composed the monthly meeting. If then others can interfere, it must be in their capacity as members of the monthly meeting, for, in their capacity as members of other meetings for worship and discipline, they have no pretence of right.

Does the trust authorize this interference? There is no acknowledgment of this kind in the instrument. No authority is there given to the monthly meeting to interfere with this fund.

Will the discipline give the right? In the discipline nothing is found having a bearing on the subject. How can the monthly meeting interfere, if no power be given to it, either by the trust, or by the discipline?

Suppose the preparative meeting had resolved to lend the money to me, instead of to Shotwell, would the monthly meeting have had a right to say, you shall not lend it to a person not a member of the society—you shall lend it as we direct? Would not the preparative meeting have answered, you have no right to dictate in this case? The money is ours and not yours.

For thirty years, from the time the fund was created in 1792, to the present day, there is no instance of the monthly meeting having interfered with its management. It cannot be shown that, from 1681 to the present day, there has ever been an instance of a monthly meeting interfering with a preparative, or of a quarterly meeting interfering with a monthly, in regard to property. If the power had existed, it would at some time have been exercised.

The case that has been referred to within the limits of the Baltimore yearly meeting, has not been properly explained. There had been, for a long time, a meeting in the eastern part of the city of Baltimore. A new one which was set up in the western part of the city, claimed part of the property of the old. The old meeting replied, that such were the terms of the grant, that they could not part

with the property—the statutes of the state would not permit it. The subject was *referred* by the assent of the parties, to the quarterly meeting, and afterwards to the yearly meeting; and they decided that the statutes of the state did not prevent the old meeting from acknowledging the claim of the new to a part of the property.

The old meeting still refused to submit. In consequence of this refusal, after having consented to a reference, the yearly meeting said, if you do not abide by our decision, we will disown you. The meeting in the eastern part of Baltimore, kept the subject under advisement for month after month. Finally a settlement was effected. But did that preparative meeting thereby lose its property? It holds it to this day. The monthly meeting was laid down; but the preparative meeting retains its property.

Another thing worthy of consideration, is, that we have direct evidence of the monthly meeting of Crosswicks having itself decided, that it had nothing to do with the school fund. At the time this fund was formed, the preparative meeting embraced the meetings for worship in Trenton and Bordentown. When a preparative meeting was set up in Trenton, it applied for part of this school fund. The monthly meeting decided that it had no control over it; but advised that when Friends in Trenton should endeavour to form a school fund, Friends in Crosswicks should remember them kindly. Samuel Craft was one of the committee to whom the subject was referred; and who made the report, in which the meeting concurred.

[Here Mr. Williamson stated that Mr. Southard was in error, in regard to the decision of the monthly meeting, and Mr. Craft left the court-room to bring in the record.]

On one point I am sure I am not in error, and that is, that Friends in Crosswicks were advised to assist Friends in Trenton, in forming a school fund. And another thing, that the monthly meeting did not pretend to power to control the fund. If this monthly meeting had the right to control the fund, it did not exercise it. If it had no right, then no one has. After it had refused to act, and disavowed the power to interfere, this preparative meeting showed its entire control of the property by giving back part of the money to some of the subscribers, who were so situated as to receive no benefit from it. Dia. 52, 94–5; 1 Ev. 347–8, &c.; 2 Ev. 286–7.

Who then, has now the right to control the fund. Admit that the monthly meeting has the right and power. That monthly meeting is with us.

Until the eighth or ninth month, 1827, there was no division in our meeting. All met in one meeting house, which, although not a part of the property in question in the present case, must be subjected to the operation of the decision in the end.

In ninth month, a member about to remove to the city of Philadelphia, applied for a certificate to Green street meeting. In conse-

quence of some objections that were raised, the application was withdrawn.

In the tenth month, the application was renewed; and then the clerk declined to act. That clerk was David Clark—a worthy and respectable man, but who on this occasion acted very incorrectly. He was bound to act as the meeting wished.

[Here Mr. Craft handed the records of the monthly meeting to Mr. Southard. The latter gentleman said:]

I have now before me the minute of the monthly meeting in regard to the application from Trenton, for a division of the school fund.

The terms are what I stated them to be. This committee, in whose report the meeting concurred, says it has no power to direct a division of the school fund; but advises Friends at Crosswicks kindly to remember Friends in Trenton, when the latter shall endeavour to create a school fund.

Mr. Williamson. The gentleman said the committee had declared they had no power to *control* the fund. Their report was, they had no power to *divide* the fund.

Mr. Southard. I should like to know if *dividing* is not part of the power of *controlling*. They say that Trenton ought to be kindly regarded by Friends at Crosswicks, when she attempts to form a school fund, thus acknowledging the moral right of Trenton to a part of the fund; but decline the proposal to divide the fund on the ground that the monthly meeting had no control of it.

Mr. Williamson. We have never contended that the monthly meeting has a control of the funds of the preparative meeting. That is a proposition of the learned gentleman's own making. Our proposition is perfectly understood by the court. It is, that no court and no meeting has a right to divide this fund, or make any application of it different from that intended by the original trust.

Mr. Southard resumed. I believe I was talking about friend Clark. He was directed to make a minute by the meeting. He did not obey their directions; but made another hasty minute, and withdrew with about one-third of the meeting with him. I ask if a monthly meeting is to be destroyed in this way? Party prejudice overcome this worthy man on this occasion. What right had he, in utter disregard of the order of the society, to take up the papers and leave the meeting. The legal existence of the monthly meeting was not to be destroyed by a freak of the clerk. The meeting was under the necessity of appointing another clerk, and did appoint J. Middleton, clerk *pro tempore*. The certificate was given to the member who wished to be transferred to Green street, and the meeting adjourned after having appointed a committee to report the name of a regular permanent clerk.

In eleventh month, after worship, the temporary clerk read an opening minute, and the committee then made a report of the name

of the clerk they had agreed upon. The nomination was opposed, not by members of the meeting, but by strangers. I admit that Quakers are every where members of the society. I admit that the Quaker of London is a member of the society in Burlington county; but he has no right to interfere with business. When, before, did strangers interfere with the appointment of clerk to a preparative meeting? It was the first time, and I hope it will be the last. This interference of strangers was not successful. The name of the clerk was approved. They who opposed the nomination were the very persons who had withdrawn from the meeting in the tenth month. Their appearance in the meeting in the eleventh month, was improper, unless they came to unite with what was done.

Friends finished their business, and sat for some time in the usual manner. The minority requested them to withdraw; but as it was their own meeting house, and their own meeting, they would not. And because they would not, the minority opened their meeting, and then adjourned to the next day. Now, the court will decide if there was any disorder, who occasioned it.

In the twelfth month, Friends found this small party sitting in their meeting house. They had a right to remove them. But they did not, they waited until the Orthodox had concluded. They would not interrupt them, although they had intruded. Then Friends transacted the business of their meeting. On the 28th of the twelfth month, the Orthodox requested Friends to withdraw from the meeting house. As this modest request was not complied with, they themselves withdrew to the house of Sarah Chapman, *which had previously been prepared for their reception*. As they were aware of the true state of things, they came to the meeting house either for the purpose of disturbing the meeting of Friends, or else that they might go through the form of adjourning, in order to carry out further the motive they had given on a former occasion: "We give you warning, that by going away, we surrender none of our rights."

We believe that by this desertion of the Orthodox party, they lost the right to control the property; but we did not desire that they should lose their rights in it. Abused as we are, we are still Friends, and have shown ourselves much better entitled to this name than those who deny it to us. We made them offers to divide the fund in proportion to our respective numbers, or to let them take back as much as they had subscribed. (Exhibit, page 444 and 349.) What was the consequence? Nothing but reviling! We are heretics.—They are of the true faith, and must have it all.

Another monthly meeting had been set up by them. I trust I have shown that that does not affect our rights. If Arch street yearly meeting has a right to go into Chesterfield and set up a new monthly meeting; why should not Chesterfield monthly meeting go into Philadelphia, and set up a new yearly meeting? I ask again,

ould this monthly meeting be destroyed until it was laid down. Where, in the discipline, do we find anything relating to that? Has it been laid down? It has never been dealt with, never laid down. Is it not, therefore competent to hold property? If the existence of this monthly meeting depended on its adherence to Arch street yearly meeting, it is sufficient to observe that no yearly meeting had as yet taken place from which we had absented ourselves. Admitting that we held our breath by our connexion with Arch street yearly meeting, there had been no dealings with us by that meeting.

Even the new monthly meeting, with the absconding clerk at its head, has not attempted to deprive us of our rights.

The fund, therefore, stands unaffected by any act of any monthly meeting, and beyond that none can interfere, for, in the order of the society, the inferior must be reached through its immediate superior—the preparative through the monthly meeting. Nor has this meeting done any act in relation to the management.

We are, then, thrown back upon the original principles, which must govern in such cases, and we claim the money.

First. Because it is ours—intended for our poor.

Secondly. It is for *the* school. We have the school under our control, and it is supported by us.

Thirdly. It was subscribed by ourselves, and equity and justice require that it should be governed by our wishes.

Fourthly. There is no recognition in the trust of any external power to affect it, nor any discipline mentioned in it, nor existing in our body.

Fifthly. It does not look to our faith in scriptural doctrines. It only requires that we belong to Friends—that we be Friends; and this we are, not, perhaps, in the Bettle and Evans' standard, but still we are Friends, and have never been disowned.

The only thing that can affect our rights is, that a minority has withdrawn in a disorderly way, and this brings us to the legal question, whether the rights of the majority or of the minority, are to prevail.

This is a peculiar question in this case. We are not an incorporation. We have not subscribed to any written articles, by which we can be judged, and, therefore, as we apprehend, the only mode in law and equity, is to decide by majority.

The argument of my learned associate on this head, has been untouched by the opposite counsel. It need not, therefore, be sustained by additional argument. I will simply refer to a number of authorities, which it has been my purpose to consider, but which, want of time prevents me from reading to the court, with the customary particularity.

Grotius, page 7, of the Latin edition.

2 Kent, 236, 498. 1 Blackstone, 478. Locke on Civil Government, 254.

1 Wood. 499, Here it is declared, that if the charter be silent, the majority or a quorum may act.

5 Coke's Reports, 66, Chamberlain of London's case. Here it is declared that by inhabitants of any place are meant the majority.

Hardress, 49, The act of a majority of a corporation, is the act of the whole.

4 Hen. and Mun., 351, The decision of a majority of a corporation, is fundamental law in England and this country.

A majority always decide in public, deliberative acts.

6 Sergeant and Rawle, 170; 5 Binney, 485; 6 John, 39, 1 Bos. & Pul., 236; 3 T. R. 592.

Commonwealth v. Eberle, 206; *Commonwealth v. Jarret and others*, 7 Sergeant and Rawle, 460, In the case of a school at Chestnut Hill, established "for the use of the neighbourhood in general," the minority procured a charter which was pronounced void, because it had been procured against the will of the majority.

16 Massachusetts, 488, There a general tax is laid for the support of such denomination as the tax payers may prefer. Those who pay the tax are parishioners, whether they worship there or not. In them an equitable interest in the property is vested, and this may elect a minister of new doctrines, a unitarian for example, and recover the property, though the churchwardens differ from them.

6 Sergeant and Rawle, 12, The real majority. Certificate of clerk, is, like the seal of a corporation, *prima facie* evidence; but whether it was a real majority, and whether the seal was properly affixed, are matters that may be inquired into.

6 Sergeant and Rawle, 506, Case of St. Mary's Church. The court required the application to come from the majority of the corporation, evidenced by a corporate seal; "but," says Chief Justice Tilghman, "suppose the corporation abuse their trust, by proposing alterations not desired by the society; are eight or ten persons to domineer over one thousand?" How much more strongly does this apply where there is no corporation!

Lastly, the case of *Field v. Field*, already referred to.

This principle, then, maintained by all these authorities, is fully established. The majority is with us, and the majority being with us, we are safe.

But this is a slight barrier with our opponents. Although no external power can interfere, although the yearly meeting cannot touch the property, although the majority is with us, there is a very easy and adroit mode of reaching the result. It is to lay down the meeting, disown the majority, and the property is theirs! I cannot detain the court, by arguing on such a point. Can any human being believe, that, where a number of persons own property, a part, to get possession of it, have only to disown the others. If I could entertain such a supposition for a moment, I should disgrace the society, and be able to speak no longer of Quaker plainness and honesty, but of Quaker trick and cunning.

Then comes in the principle of the escheat to the society, to which referred this morning. If it be true, it can only exist where there is an extinction of the meeting. There has been no extinction of this meeting.

I recur to the principle of my coadjutor. This fund is the property of the meeting. There can be no change that will take away this property—not even a change in the government of the country. This is a general principle, for support of which I refer to 1st Wheat. 282; 6th Cranch, 198; 8th Wheat. 481. Even the division of an empire does not forfeit vested rights, as is proved in 9 Cranch, 50; 2 Jo. Cases, 29; 3 Ib. 109; *Calvin's Case*; 7 Rep. 1; 2 R. 155; 5 S. & R. 147; 2 Pet. R. 584; 1 Co. Dig. 524; 1 Donb. 148. Hendrickson was but a trustee, bound to transfer, and directed so to do, and the court will act upon the principle, especially as there is an express contract provision of the trust that he should transfer to his successor. That successor is Stacy Decow, lawfully appointed, and representing the *cestui que trusts*.

In the next place, it is to be observed, that we remain subordinate to the same yearly meeting as formerly. I shall attempt to show this, if it be considered necessary; and I shall, I think, show it conclusively.

Here, this controversy ought to end. Neither a court of law, nor a court of chancery, ought to go further. If I might rely on my own judgment, I would here close the inquiry. But this I may not do. We are driven to other subjects, and must submit ourselves to the necessity. But we must, and do, protest against entering into matters extraneous to the point in dispute.

We profess to be christians, and to revere the Scriptures, and no earthly tribunal should require more.

We profess to be Friends, and beyond that no cognizance can be taken of our sentiments.

We profess to act in the order of the society, and nothing more can be demanded of us.

We do not deny that the court of chancery may look into trusts, but it must be where there are definite contracts. We do not deny that, to determine a trust, a court may examine religious opinions, where there is a creed, or rule of faith given, as in the episcopal and presbyterian churches, and where the trust is made by the parties, specifically, and in terms to descend on such opinions and doctrines. Such a trust can be reached without the aid of the 43d of Elizabeth, or the comments of the civil law. But if persons unite in religious worship, and do not proclaim their peculiar faith, nor make their property to depend upon it, there can be no right to inquire into it. They must hold it by principles which the law will apply to it independent of that consideration.

But we are told that we are to lose our rights in consequence of our connexion with Arch street yearly meeting, and of what was

done there. It becomes necessary for us, then, to examine the proceedings, and as dates are of importance, I must endeavour to review facts in the order of their occurrence. While this inquiry proceeds, let us take with us the principle of our bond of union—that which binds our society without and within. I have explained the views of the society on this subject, in relation to the light within, producing a life of righteousness, and becoming the external bond of union. Let me beg the court to take this explanation with them in their investigations. Here lays the one principal error of the chief justice and of Judge Drake. In their whole exposition they treated the question as if ours was an ordinary society, connected by ordinary conditions. They forgot that they were speaking of a peculiar people, with a peculiar bond. The subject matter of this dispute, the principle and nature of the society of Friends, seemed to be almost forgotten by them.

Most of the principles named by them would apply to the presbyterian meeting. But the chief justice seemed to forget what a yearly meeting was. He appeared to think Friends worshipping in Arch street, constituted there, the yearly meeting, and that part of them withdrawing, to worship in another meeting house, was withdrawing from the yearly meeting. If half of those who worship with me in the presbyterian meeting house should withdraw, and worship elsewhere, disconnecting ourselves from that body, another presbyterian church would be formed. But what is the yearly meeting? It is the collection of the great body of the society of Friends; and wherever they meet, whether in Arch street or in Green street, there is the yearly meeting. It matters little when or where they meet, whether in April or October, provided only the great body of Friends are there; *that* is the yearly meeting. Time and place are of no consequence.

Samuel Bettie has told you there were several yearly meetings in 1797 or 1798. They were not all held at the same place or in the same month. Yet each was a yearly meeting, because the great body of Friends composed it.

Suppose, when the Orthodox Friends go to Arch street in April next, a thing should be done which, as it has been done once, may be again; that they should find the gates and doors bolted and barred by the monthly meeting, the owners of the house. They would then go to Market street, to Pine street, to Cherry street, nay even to Green street, rather than not hold their meeting, and when met they would be a yearly meeting. Should it happen, that, through the dispensation of Providence, Friends could not meet on the third second-day of April, and should meet on the fourth second-day. There would then be an escheat of the property, according to Thomas Evans. But this cannot be so. It is not the time; it is not the place; it is the people that give legal existence to the yearly meeting. Wherever they meet and whenever they meet there is the yearly meeting.

This principle must be applied to every meeting of the kind; to the bishops of the episcopal church in their convention, and to the general assembly of the presbyterian church. If from any cause they could not meet at the time and place appointed, and were to meet at some other time and place, it would not destroy the authority of the convention or of the assembly.

Another error is to be found in the mode of examination pursued by the judge. He leaped at once into Arch street meeting, without connecting the events that had previously occurred. It was beginning at the wrong end. The principle of the society is unity. It was necessary to ascertain the existence of that first. No man can justly or legally decide this case, who does not investigate the previous facts—that does not go back to the circumstances in which the present difficulties have their origin, and examine in what state the yearly meeting met. It is to that course of investigation I entreat you to submit your attention.

It is not necessary to detain you, by an exhibition of the condition of the society for many previous years. It had been in a state of quiet for a century. There had been no division in it, since the days of George Keith. It had become torpid and relaxed. Wealth had flown in upon them. Peace had been theirs. Persecution had not aroused them. A few men had grown up in this state of things who had something more of that pride and haughtiness of office than was becoming in their profession. The extent to which they carried their love of rule was unpleasant to the society, but they were unwilling to recede. They had power, and resolved to use it. They were determined either to rule the society, or to rend it. This is shown by a long train of facts, the first of which was intended to affect Elias Hicks. I know the prejudices he has to encounter, but I beg that we may consider him an unimportant individual, and that he may be judged impartially, as a man and as a member of the society.

The first incident occurred in 1819. In that year Elias Hicks came to Philadelphia, having with him regular certificates of his standing in his own monthly and quarterly meetings, within the limits of the New York yearly meeting. He was then a minister of good repute, and highly esteemed throughout the limits of the Quaker world. He came to the city of Philadelphia, and in Pine street meeting, the very centre from which these difficulties have since spread, he bore his testimony boldly and fearlessly. There was no question then about his religious doctrines. He bore his testimony against slavery and the use of the produce of slave labour, and that it was which gave the first smart to the feelings of a certain individual belonging to that meeting, who has since been conspicuous in the proceedings. Whether what was said ought to have affected his feelings, or whether Elias Hicks was right or wrong, I shall not inquire. It is certain he did offend one man—one who had himself borne testimony against the use of the products of slave labour, and after-

wards let his testimony fall. Conscience is a sharpener of the eyesight. That he took offence is apparent. He said, after the meeting was over, that he had a painful time; and it is worthy of remark, that there has not been one attack on Elias Hicks, from that day to this, which he has not had a share in making.

He took offence, not on account of anything which was said incompatible with the doctrines of the propitiation, or the three in one. The original offence was not on account of doctrine. The evidence that it had its origin in a personal cause, would, in any other case than this, be conclusive.

Elias Hicks asked permission to go into the women's apartment, to deliver his testimony there. Was it according to order for any one to object? Was there ever an instance before, of a reputable minister, regularly travelling, requesting permission to preach to the women, and the meeting adjourning before he returned? Yet these things were done. One of the witnesses says, the Orthodox gentleman to whom I refer was the first to move in the business. Another of the witnesses thinks he was one of the first.

There is a contrariety on the part of the witnesses, in relation to one point. One says the monthly meeting had done its business before the adjournment. Another thinks it had not. The disrespect was the same in either case. Elias Hicks was in the order of the meeting, and ought to have been waited for. It is, to be sure, said that in the yearly meeting, the men's meeting had sometimes adjourned while eminent ministers were engaged in the women's meeting; but it should be recollected, that in the yearly meeting the men and the women meet in different buildings. In the monthly meeting they meet in the same building, with only shutters or folding doors between the men's and women's apartment. This mark of disrespect to Elias Hicks caused considerable feeling; so much so, that it is testified that Samuel Bettie said the son of the man who had caused this disrespect, was, in consequence thereof, himself treated with disrespect at the Ohio yearly meeting.

When the fact of the manner in which Pine street meeting had adjourned became known, it produced considerable agitation. It was contrary to the mode in which travelling ministers were usually treated. It put Friends on their guard, and made them suspect that there was some improper feeling in those who had acted in this way. It opened also the eyes of those who were out of Philadelphia.

The learned counsel has asked, is it possible such a trifle could affect the harmony of the society? The answer is prompt: It was a violation of the order of society, a breaking of the bond of unity. The learned counsel has been influenced in his judgment, by the practices in other religious denominations, where individuals may retire while one is preaching, and not give serious offence. It is not so in the Quaker society. For one to retire while another is making a communication, is regarded as disrespectful, as a breach of the bond of unity; and for the meeting to adjourn, is without precedent.

The matter was much talked of at the time; but at length was quieted down, and nearly forgotten.

In 1822, two incidents of a marked character occurred, and left to those who wished to preserve the order of the society, no alternative, but to speak out and defend the discipline.

Elias Hicks had by this time been assailed by note takers. But their charges produced small effect. There was yet no evidence against him before the world, from letters fraudulently kept back, nor from the testimony of Comfort and Bell, or, if there was, it produced only a faint impression. He had obtained from his monthly and quarterly meetings, their consent that he should go on a religious visit into the limits of the Philadelphia and Baltimore yearly meetings.

Before he reached Philadelphia, an attempt was made to interfere with his progress. We are told by Abraham Lower, p. 365 of the 1st vol. of Evidence, that he was a member of the meeting for sufferings, and that, as he was going to the meeting, he was requested by Samuel Bettle, to stay till after the meeting should be dismissed. This proves two things. First: that Abraham Lower, who has been treated by the opposite party as almost unworthy of confidence, was then so high in their esteem, as to be one of the few invited to stay for this confidential purpose. The second thing it proves is, that the attempt to stop Elias Hicks, was not according to the order of the society. This delay after the meeting for sufferings was dismissed, was not an ordinary matter; and the subject for which they were delayed, was treated as a private and select affair, which the great body of the meeting knew nothing about. If they believed that Elias Hicks was spreading false doctrines, why was there the secrecy in their proceedings. After the close of the meeting for sufferings, the same individual that had taken offence in 1819, mentioned that Elias Hicks was coming among them, and that they must stop him. Mark, it was the same individual! But this is the age of coincidences.

Elias Hicks must be stopped. But why stop him in Philadelphia? He was in unity with his own monthly, his own quarterly, and his own yearly meeting. At home his character was so well known, and he was so well beloved, that the whole society would rally round to protect him. He must be stopped elsewhere. Pine street was the fit place for making the move.

But Elias Hicks was suffered to pass through Philadelphia. On his return from Baltimore, he stopped at the southern quarter, at Little Creek. There he delivered his testimony. There were present at this meeting, two men, Bell and Comfort, who afterwards appeared as witnesses against him. They appear to have rode post-haste to Philadelphia; for, before Elias Hicks could reach the city, they were there, and had made their statement to the meeting for sufferings. This, with the testimony of J. Whitall, was regarded

by the meeting, as sufficient to justify their dealing with Elias Hicks.

But was that true, which Bell and Comfort had said? It was not. I do not mean to say it was intentionally false. In how many different ways may a man who preaches in this way, be misunderstood? I say the statement of Bell and Comfort was not true, because three others who were present contradicted them. Subsequent to this, twenty-three members of the southern quarter, explained the error of Bell and Comfort.

This statement was in possession of the elders. Was not this enough to arrest them in their career? It was not; and I mention this to show that false doctrine was not the matter of dissatisfaction. In addition to the three who originally appeared, not less than twenty-three denied the statement of Bell and Comfort, in relation to the doctrines preached at the southern quarter.

While this was the state of things, Elias Hicks came back to the city of Philadelphia. Where did the elders get authority to stop him? The only ground I can gather from the opposite council, is, that they have a general supervision of ministers. Admitting this, have they a right to go into another yearly meeting, another quarterly meeting, or another monthly meeting for that purpose? The discipline compels them to remain at home, and deal with their own members only.

If the elders had any power over ministers from a distance, it was simply a power of giving information against them, to their own monthly meeting. (Discipline, page 63.)

The elder is an officer on the part of the monthly meeting. He is appointed by the monthly meeting. He is responsible to the monthly meeting. His authority does not extend beyond his own monthly meeting. If he acts on ministers, it must be in his own meeting. If a travelling minister utter false doctrine, an elder may converse with him; but cannot call together elders from different meetings to deal with him. This council of ten—an unfortunate number, when we recollect certain events in history—this council of ten had no more right, than a single elder, to treat with a travelling minister. It was a gross usurpation of power. What objection did Elias Hicks make? He replied, in substance, you rely on the testimony of Bell, and Comfort, and of J. Whitall. Joseph Whitall is not precisely correct in his statement; and Bell and Comfort should offer an apology for their breach of gospel order, before I reply to them. If dissatisfied with what I said, they should first have had a private interview with me.

Was not this principle of Elias Hicks a correct one? Let us look into the Discipline. What is there said of carrying slanders? On page 29, we read, "Friends are every where exhorted to maintain a strict watch over themselves and each other, against the subtle and mischievous spirit of tale bearing and detraction, the manifest tendency of which is to lay waste the unity of the body, by sowing the seeds of disesteem, strife, and discord, among brethren and neighbours, as well as to unfit those who either propagate or listen to evil

reports, for being of that service to the persons reflected upon, which they might be, if the order prescribed by our blessed Lord to his church, was strictly observed, viz. 'If thy brother shall trespass against thee, go and tell him his fault between thee and him alone ; if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two other witnesses every word may be established. And if he shall neglect to hear them, tell it unto the church ; but if he neglect to hear the church, let him be unto thee as a heathen man and a publican.'

"It is therefore advised that in whomsoever this weakness appears, it may be immediately checked, and if any one gives way to it to the obvious injury of another's reputation or interest, let him or her be faithfully admonished ; and if they persist, and cannot be prevailed with to give due satisfaction, the preparative or monthly meeting should be informed of it, and deal further with them ; when, if this produce not the desired effect, they should be testified against.

"And, if any member who offends in this respect, shelters him or herself under a pretence, that they say no more than they have heard from others, but will not discover who they are, such reporters or tale bearers should in like manner be dealt with and testified against, as being themselves the authors."

This is Gospel order ; and if all religious societies followed this order, what a changed world we should have !

Do you not perceive, that Bell and Comfort have violated the discipline ? Elias Hicks required that they should make satisfaction. Was he, as the learned counsel has said, afraid to show his opinion ? He was not. But he might well have turned his back on these presumptuous elders, and have told them, I know nothing about your authority. These Friends have said I have preached false doctrine. Here are others who can refute the charge. Elias Hicks, did, however, consent to meet a committee in Green street meeting house. After they met, they refused to embrace the opportunity, because his witnesses and friends were present. These were the men who had heard what he had preached, and if others wished to be standing by, what principle required their absence ? But the elders objected. As they wanted to deal with Elias Hicks on their usurped authority, they wanted none but his friend from New York to accompany him. It was not so formerly. Even George Keith had his friends present ; and by the wish of those who dealt with them. (See Jennings's statement.) The elders then wrote the letter, which has been before referred to, and if it were not for exhausting your patience, I should like to read it again. Elias Hicks was going home. If they had aught wherewith to accuse him, why did they not send charges to his monthly meeting ? In their presence he had never uttered false sentiments ; but they were the centre to which all his slanderers turned for support—the lion's mouth which received all charges against him.

Elias Hicks denied their authority. If he had acted wrong, ought not his own meeting to have been informed of it ; and by whom but by those who had heard him preach false doctrine ? It was then the place of the southern quarter, if it was the place of any, to give information against him. The accusation by the elders was calculated to rouse the feelings of the society. It renewed the feelings of 1819. It strengthened the feelings which led to the rupture in 1827.

Another act of usurpation was committed by the same men, in relation to the controversy between Paul and Amicus. Paul was an Orthodox writer, and assailed the society of Friends ; Amicus replied to him. There is not one particle of proof, that Amicus had uttered doctrines contrary to the principles of Friends. They tell you about the Berean, the Delaware Gazette, and the Celestial Magnet, and what they contained. Yet, because Amicus wrote, although there is no evidence that he erred, the creed was proposed, as is now pretended, *to protect* the religious character of the society. It is said by some, that Amicus wrote errors. Samuel Bettie said so ; but the errors are not shown ; and on another occasion, Samuel Bettie spoke in different terms of the writings of Amicus.

When before I would ask, when there was a controversy between two men in a newspaper, did the society come out to contradict one of them ? It has been said that other cases of the kind have occurred ; but the instances of the corrections given of the false statements respecting the society in Mosheim's Ecclesiastical History, and Rees' Cyclopædia, are not parallel. These are standard works, and errors in relation to the society left uncorrected in their pages, might have had an injurious tendency.

- Amicus, hearing that some Friends were dissatisfied with his writings, of his own accord declared that he was not speaking for the society, but for himself. This rendered it unnecessary for the society publicly to contradict him.

It cannot well be believed that the leading motive in putting forth this creed, was to contradict an anonymous newspaper writer. The object was deeper. It was to have something by which the elders might reach those who could not be reached in another way ; something by which Elias Hicks, and others with whom they were dissatisfied, might be made to bow before them.

The court adjourned.

Tuesday morning.

MR. SOUTHARD resumed :

I was labouring to gather up the facts which preceded the yearly meeting of Philadelphia, in 1827, in order to show the precise state in which that assemblage convened, and its relative position to other meetings ; and in doing this, I did not mean merely the Arch street

g, but the real yearly meeting, whensoever* and wheresoever led. A yearly meeting does not consist of time and place. It not be dissolved if the Arch street house were refused or denied; or the members were compelled to meet in June or July, out of the appointed time. Such facts do not destroy a body even in places where it meets, under legal and constitutional provisions, evidenced by many instances in the history of our country, and others. The bond—the essence of the meeting—the meeting was the presiding spirit of unity; and whenever and wherever appeared and prevailed, there was the meeting; where it was not, no meeting could, by possibility, exist. This was one great prevailing error of the chief justice, and of the counsel. They treated it as an ordinary corporation or religious society; and so they fell necessarily into error. They did not reason respecting an existing body and its rights—but created a body—formed a new one never before known, and then applied their principles to it. They arrived also in going at once to the Arch street meeting of 1827, without inquiring, what was the condition of the society, the state of affairs, and when the members assembled.

We have remarked the state of Friends at that period and for some time preceding, as they had come out of a long course of peace and prosperity, unaffected by persecution, and grown rich and prosperous; distant from ease, and to the acquisition of influence in the members who were then most prosperous in worldly concerns.

We have also attempted to illustrate the occurrences of 1819, when Elias Hicks came on a religious visit to New Jersey and Pennsylvania, with the concurrence of his monthly and quarterly meetings. He was then in full unity; unsuspected and unhated, as far as the records inform us. He preached respecting the produce of slave

One individual felt the sore application of his testimony, (namely Lower's testimony,) and it is a truth, that in all subsequent years that individual is found in the van of every unfriendly movement.

This, and this only, was the origin of our most disastrous controversy. At this time also, Elias Hicks desired to deliver his sermon in the women's meeting, and showed as has been alleged, "freedom for public speaking;" a most harsh and uncharitable phrase, as applied to a minister of the gospel of redemption for man—a minister, influenced by motives as pure, and sincerity as ever stimulated to pursuit of duty, through evil and through report. While in the women's meeting, an elder, the same as had "had a painful time of it," whilst Elias Hicks was speaking to the men, proposed and carried an adjournment of the meeting; a respect which, with their peculiar opinions and feelings, was felt throughout the whole limits of the society, as *contrary to discipline and brotherly love*, and produced painful effects. These facts are material as explanatory of the origin of difficulties, and this reality is felt, when the abortive effort is made by the Willis letter and other means, to carry back the objections to Elias Hicks

beyond this period. Those letters were unknown; Elias Hicks was then a respected, an admired preacher. I refer on these matters to the testimony of Samuel Bettle, Abraham Lower, J. Evans, Halliday Jackson, Cockburn's Review, and Exhibits at the end of the volume.

In pursuing this discussion, it will be necessary, as it has heretofore been, however unpleasant, to speak plainly and freely of the acts of certain individuals, who we believe, have acted most incorrectly, and misled others who adhere to the Arch street meeting. For them, as men, I have no feeling but that of respect; and I must add for my clients, that their feelings are unchanged in regard to the great mass of their opponents. They have enjoyed together years of happy and profitable converse, on matters most precious, because connected with their temporal peace and eternal destinations; and they have no desire that they should be unnecessarily wounded or distressed.

But I hasten to the period of 1822. At that period the toils had been prepared for him, and the accusers were stealthily waiting his approach. Slander and defamation had preceded him to Philadelphia, and previous to a meeting for sufferings, a *select number* was requested, *privately*, to wait after the adjournment, to consider some matters of importance. Why a *select* number? Why a *private* invitation? The nature of the object in view explains the appropriate answer to these questions. It is now common for the Orthodox and their counsel, to abuse Abraham Lower, and call his evidence in question because, they allege, (yet without proof,) that he entertains the heretical opinions of Elias Hicks; but he was then one of the *select*; he was invited to remain. When did he cease to be confidential? when did he become a "Hicksite" in doctrine? and in action? His testimony comes to us under the best auspices for our confidence. In that secret meeting, the Friend who had had a painful time with Elias' testimony in 1819, informed the select, that he was coming, and that he must be stopped there, because, I presume, there were not faithful ones enough in his own yearly meeting to arrest him. This secret conclave was utterly opposed to the whole spirit of Quakerism, and this volunteering their infallible judgment, and efficient services in stopping the alleged heretic, was an unjustifiable assumption of judgment over the Jericho monthly meeting, and the Westbury quarterly meeting, to which he belonged; a prostration of all discipline and unity. It was objected at the time, that the accusations against him were not well founded; at least that there was no evidence on which they could act; but it was answered that all this was *then* known, that there was one present, who had heard him utter his heresies. This one, I believe, was Joseph Whitall, whose testimony has been discussed. It was also denied that that body, or the elders in Philadelphia, had any authority to act in such a case. Had they such authority? whence was it derived? I have called the attention of the court to a minute examination of the creation, powers, and duties of this class of officers, and feel confident in

the assertion that this attempt, and all the consequences resulting from it, were a gross usurpation of power in these men, calculated to wound the whole body, to prostrate all discipline, to create uneasiness and distress in every one who regarded the spirit of peace and unity. If they possessed this authority, why has it not been shown? Is it a sufficient answer to say, that they were alarmed at the introduction of false doctrines? who constituted them judges of the faith of others not within their own meetings? He had his regular certificates, and he had done nothing since he received them. His own meeting alone had control in the matter, and they perfectly well knew it. It was a most dangerous and alarming act. If a few elders or ministers, in a particular place, may secretly combine for the destruction of an individual, or as judges of faith and doctrines, Penn and Fox have lived in vain. If such conduct does not arouse resistance, a tyranny over conscience may be established, not less complete than any which the world has ever seen. If the discipline may be thus scorned, unity has for ever fled. The support of such acts, dissolves at once the meetings which exist in that society.

But these men, misled by personal feeling, and perhaps most honest in their views, were not to be delayed. A committee was appointed, and the results are felt to this day, and will be felt while Quakerism exists.

They did not succeed in dealing with him, on his way to Baltimore, but he returned from that place in December 1822, when the committee waited upon him, and founded their proceedings on what occurred in the *yearly meeting of New York*, and on what had occurred in the southern quarter. Whitall was their witness on one point, Comfort and Bell, on the other. The grossness of their conduct could not be more glaringly exhibited, than by these facts. His alleged error in New York had been committed a long time previous, out of their jurisdiction, beyond their yearly meeting, where they had no authority. His preaching at the southern quarter (misrepresented by Comfort and Bell,) *was on his return from Baltimore*, and some time *after* their select meeting, and the appointment of the committee. They first decide, in secret session, that he must be stopped, and when they attempt it, rest their act in part and principally, upon facts occurring after their decision. Shall we call this candid, or fair, or sincere? Shall we blame those who saw in such conduct cause to question their regard for unity and the discipline? Elias Hicks refused to hear them in their capacity as a committee. He had regard for the discipline and unity of the society, and was not willing that they should be prostrated in his person, or that a combination like this, should usurp unwonted authority by his neglect. He was, however, willing to converse with them as Friends; he did converse with them, and they seemed to be satisfied. But it was afterwards urged, that he ought to meet his accusers, as they were then there. This he declined; he was not easy to meet them, after their violations of discipline, which were unatoned for. (See Disci-

pline, under the head of defamation and detraction.) J. Whitall ought to have told his complaint to the monthly meeting of which Elias was a member. Comfort and Bell ought to have mentioned their concern privately to him, before they published it to the world, and made it food for the hatred of enemies. The elders ought not to have listened to evil reports, but have repressed them.

Two short days after this, one of the same men who had conversed with him, and seemed to be satisfied, called upon him and wished him to meet his accusers, which he was willing to do, if they would make satisfaction.

A general meeting of the elders then took place; a meeting unauthorized, unknown to the discipline—so unauthorized and unknown, that no attempt is now made to justify it by the discipline; but the *end* must sanctify the *means*. They did not confine themselves to their own monthly meeting; they did not leave the minister to be treated with by his own meeting; they did not give private advice and admonition; they dealt with him *officially*.

They sent for him to meet them at Mulberry street at a given hour; and he must have been recreant to all his faith and principles, if he had not declined.

Subsequently, two Friends from the southern quarter, who heard his testimony there, being in the city, it was believed that a meeting might be had, which might give satisfaction, and yet be no admission of the right of these elders, or justification of their irregular proceedings, and 3 o'clock of 12th December, at Green street, was appointed for the purpose. At this meeting these Friends and others attended. The elders refused to proceed, and why? Was it to be a *private* opportunity with Elias, to explain their concern to him? Then why the formal, and public, and official movement? If it was to be a *trial* of him, then why should not his witnesses and his friends be present? Even with George Keith this was permitted and requested. (See Jennings' statement, and other documents.) Was no one to hear but his infallible judges? must they be alone, and he rely on their faithfulness to report truly and adjudge justly? Their refusal to proceed, evidences their motives; condemnation, not satisfaction, was their object. They had been warned that it would not do to reason with Elias. He was a dangerous man at such an encounter. Having assumed authority out of the discipline, they must execute their purposes cautiously, and with as few witnesses of their deeds as possible. But was the accusation in respect to the southern quarter just? Joseph Turner, a minister; Robert Moore, an elder, and Joseph G. Rowland, an intelligent, and I believe educated man, certified, that what Elias Hicks there preached, was in conformity with the principles of Fox and other worthy Friends of his time. And twenty-three others, on the 26th February, denied the truth of the accusation, and explained the principles and opinions which he proclaimed. On whom are we to rely? on these, or the violators of discipline? These elders knew while they were pressing this pro-

secution, upon facts after the prosecution commenced, that they had been denied and disproved. But their object must be accomplished, if the society should be scattered thereby.

Thus far there was an appearance, as if Elias Hicks and his doctrines were the sole objects of pursuit and condemnation; but other purposes appeared; other violations of discipline followed close on the heels of these.

Thwarted, but not discomfited, the council of ten, an ominous name, addressed him the letter which appears in the exhibits. It then assumed a defined form; the appeal was made to the society at large. On this letter further comment is needless. It is liable to the same objections as their other conduct. They continued busy in spreading dissatisfaction; detected and foiled in an illegal effort, they sought by every means to depreciate the object of their hatred, and sustain their own errors. Others were charged with being *followers of a man*—every individual and meeting which did not follow their lead was opposed; and meetings of worship often became scenes of disorder and confusion. But who produced them? Is there an instance proved, of interruption or disorder by any of those who were opposed to this ruling party? An instance may be referred to in the case of Priscilla Hunt, who reached Philadelphia about 15th February, 1823. Rumour had preceded her on her journey from the West. She preached in Pine street. After she had closed, a minister rose and opposed her testimony, and declared “that she did not preach the doctrines of our religious society.” This was unusual and disorderly, and occasioned great uneasiness. And was the allegation true, that she preached other doctrines than those of Friends? where is the evidence that she did? Even if it were true, there is no apology in this society for the act. (See Discipline.) But there is here, or elsewhere, so far as we know, no proof against her. Are we always to regard these gentlemen as infallible, and when one of them speaks, must we take that fact as incontrovertible evidence, sufficient to condemn any and every one? Who was Priscilla Hunt? Long an accepted minister among Friends. She travelled on that occasion, through all this portion of our Union, and delivered her testimony in almost every meeting of Friends. Yet there, and there only was this disorder created. Pine street is the central point where Orthodoxy is perfectly infallible; and its members, it would seem, are alone to be justified in all their breaches of order.

On the 19th December, 1822, Elias Hicks having closed his visits in Green street, the monthly meeting declared that he had attended their meetings, and nearly accomplished his visit to the families, greatly to their satisfaction, and the clerk was directed to endorse the substance of the minute on his certificate. This has been alleged as proof of unity in the members of that meeting with his false doctrines. But it was no more than the common and uniform minute made on such occasions, and which could have been refused only on the ground that he acted improperly while amongst them. But of

this there is no proof. No witness ventures to assert that he uttered false doctrines there, or did one act out of the unity, or unworthy of his character as a minister of the gospel. Must we again infer and presume guilt, not for his condemnation only, but for the condemnation of all who belonged to that meeting? This would be gross injustice. When this minute was made, Leonard Snowdon, one of the elders was present, and united, and declared, "*he believed it would do.*" Yet on the same day, he united with the nine other elders, and sent the letter declaring his disunity with Elias Hicks and his doctrines. I would treat Leonard Snowdon as his friends treated him, with tenderness and with tears. But was this conduct right? Can it be justified? Did it become an elder? Is any apology to be found for this violation of the discipline and of his duties, in the fact which has been urged in argument, as a palliation or defence, that he was acting in relation to Elias Hicks? Did that absolve him from the claims of candour, consistency, and the spirit of the discipline, and of the society? I can perceive neither justification nor apology for the act. As an elder, he was bound to be in unity with his meeting. (See Discipline.) He ought to have been instantly released from his office and trust. But they dealt tenderly with him; waited for him; sought to induce him to say even so much as that he was sorry for his inconsistency and disunity; wept over him; but he was not to be moved. There was no alternative. The discipline forbade his continuance, and he was released.

Attention to these facts is important, because this case was a principal cause of the difficulties between Green street and the quarterly and yearly meetings, and finally caused it to be laid down. I express myself incorrectly—it was not, it could not be laid down, without its own consent—but these facts were in part the apology for the gross assumption of power whereby that monthly meeting was said to be laid down—the pretext for an act of usurpation. ●

Leonard Snowdon appealed to the meeting of ministers and elders. But for what did he appeal? of what right had he been deprived? and what right had the power appealed to, to review the proceeding? None, absolutely none, if there be any rules in this society. This elder had no right to the office of elder, the deprivation of which could be cause of complaint on his part. No man is appointed to that office as matter of favour to him, or for his own profit or benefit. It is a burden imposed on a member for the good ordering of the society; and from which he may be released at any moment, whenever his meeting shall believe it proper. The very fact that this elder considered his releasement a cause of complaint, and was stimulated by his associates to pursue it, is ample proof that he and they had ceased to regard the offices of the society as created and existing for the benefit of the whole and not of the individual; that they had been too long in power and influence, and were disposed to hold on to that power for *personal* purposes; that they had perverted the very fundamental principles of their whole institution.

Such a complaint never could have been made in the days of early Friends. Such instances of release must often have occurred, and I have not learned, by any evidence in this cause or from any other source, that such a complaint was ever before made.

This complaint was brought to the quarterly, and there occasioned repeated and painful difficulties. I refer the court to the statement made by the Green street meeting. Exhibit, page 483. Here it was met by these same elders in the very theatre of their usurped authority; and they acted as might well be anticipated. Its history is full of evidence. Thence it was carried to the yearly meeting, and was one of those subjects on which that meeting could not act—was not in fit state to act.

I beg to dwell more particularly on this case, and distinctly narrate the particulars, as I do sincerely believe, that the distressing dissensions in the society have grown out of it, as much, if not more, than from any other cause; and it furnishes a fair example of other cases; *ex uno disce omnes*. I draw my facts from the statement of the monthly meeting, and from the evidence of those witnesses who speak in relation to it. The combination of the elders here exhibits itself in glaring colours.

When the Green street monthly meeting was established, the discipline of the yearly meeting of Philadelphia was admitted as the rule to regulate both the quarterly and the monthly meetings. In this book of discipline is the following clause in relation to those who may be concerned to visit, as ministers, the different meetings of Friends out of the limits of the yearly meeting: "Agreed that when any friend is religiously concerned to visit the meetings of Friends beyond the limits of this yearly meeting, and has obtained a certificate for that purpose from the monthly meeting of which he or she is a member, that the concern be also laid before the respective quarterly meeting for its concurrence and endorsement." p. 66.

With such a certificate, and so endorsed, Elias Hicks, the minister in question, applied, in the twelfth month, 1822, to visit the families of that meeting, which service being nearly completed, he attended the monthly meeting, and on presenting his certificate, the endorsement expressive of the unity of that meeting, with his gospel labours among them, was, without a dissenting voice, directed to be made on it. After which, Leonard Snowdon, the elder of the meeting, in his official capacity, in conjunction with the other elders of the other city meetings, (who, as we have seen, composed a self-constituted meeting of elders, concerting measures out of the order of the society) signed the paper which impeached the gospel ministry of the minister, and thereby counteracted and arraigned the judgment come to by this meeting; although he was present when the endorsement was made, and concurred with it, for he observed when a proposition was made to alter it, that he "thought it would do."

It was in consequence of this and other acts of opposition to his

monthly meeting, that he was taken under care of the meeting through the medium of its overseers. After which he, in connexion with several others, who were direct parties in the question at issue, (and members of the preparative meeting of ministers and elders) requested *assistance* of the *quarterly meeting* of ministers and elders, but in so doing, they stated an abstract, unspecified case, altogether unusual and irregular. The request was acceded to most improperly, and in November, 1823, a committee was appointed by them, to attend to this subject. This committee was continued in service more than a year. Within that interval, repeated and unavailing efforts to effect a reconciliation with this elder, were made, and at length a conclusion was come to by the monthly meeting to release him from the station of elder. This committee then made a report, in which they complained that the Green street monthly meeting had, *in a summary way*, taken the business out of their hands. But this allegation was manifestly unjust; because the meeting, by its overseers, had his case previously under care, and there was no case specified, as the discipline directs. The monthly meeting objected to these proceedings because a considerable proportion of the most influential and active members of the quarterly meetings of ministers and elders were of the number of those that composed that self-constituted meeting of elders, and had made themselves parties in the case, and no one could believe that they would, under any circumstances, adjudge against their own cause. Besides, it appears that the preparative meeting of ministers and elders was not united in making the request.

In the eleventh month, 1824, this quarterly meeting of ministers and elders presented a remonstrance to the general quarterly meeting in this case by which they arraigned Green street meeting before that meeting. In addition to this, a memorial was presented by the elder himself, complaining of the conduct of the monthly meeting. This memorial was read by the clerk immediately after the remonstrance, without observing the order of the society, which is to appoint a committee to examine all unofficial documents which introduce a complaint into the meeting. This memorial and remonstrance now appears on record against the monthly meeting. These papers were admitted, or rather, I should say, forced on the minutes of the general quarterly meeting contrary to the judgment expressed by a large part of the meeting. In reference to all these transactions, it is obvious that the quarterly meeting of ministers and elders, in taking up the case and in making any representation to the general quarterly meeting, and more especially by its arraignment of the monthly meeting, and its proceedings, committed a direct infraction upon that part of the discipline which declares that "none of the said meetings of ministers and elders, are in anywise to interfere with the business of any meeting for discipline." P. 67. The general quarterly meeting, by entering *this remonstrance* on its minutes, and by acting upon it, sanctioned

this violation of discipline; and became a party against one of its branches, and thus virtually absolved Green street monthly meeting from accountability to it as a superior meeting.

By admitting the elders' memorial, before mentioned, the quarterly meeting sanctioned and became accessory to the violation of the first principles of gospel order, recognized by the discipline, which require that endeavours be used by the party offended, to obtain a reconciliation with the party offending, previously to any charge being preferred; agreeably to the injunction of Christ, "If thy brother shall trespass against thee, go and tell him of his fault between thee and him alone." This indispensable requisition of the discipline was neglected by the elder, who did not even inform the monthly meeting of his intention to arraign it before the quarterly meeting. The quarterly meeting of ministers and elders, by coming to a judgment to make the remonstrance, constituted itself a party against the monthly meeting. This fact was so far virtually admitted by the general quarterly meeting, for when the case was referred in fifth month, 1826, to the yearly meeting, and a committee was about to be appointed to represent it there, a decision was made that the members of the quarterly meeting of ministers and elders should be allowed *to name out of that body, one half* of the committee, and that the members of Green street meeting might name the other half. And the same persons who compose the quarterly meeting of ministers and elders, and who had presented the remonstrance again in the general quarterly meeting, sat in judgment against the monthly meeting, and were the active parties in forcing the measure through that meeting.

In the quarterly meeting of ministers and elders in the eighth month, 1826, a second committee was appointed specially to advise and assist the preparative meeting of ministers and elders. This appointment was grounded upon an unimportant abatement in the answers to the queries received from the preparative meeting, although as great deficiencies were acknowledged in the answers received from at least one other preparative meeting. This committee reported the ministry unsound, on the accusation of a single individual, and against the evidence of the rest of the meeting, and contrary to the official answers which had been given to the queries. Yet this report was adopted by the quarterly meeting. On the same evidence the committee identified as an offender, a minister, who then was, and I believe, still continues to be, in unity with the monthly meeting; and he was summoned to attend before part of their number, without the permission of the preparative meeting.

In case of deficiencies acknowledged in the official answers to the queries, the extent of the power given by the discipline to the quarterly meeting of ministers and elders is to counsel and advise their constituent preparative meetings. The words of the discipline are, "And in the said quarterly meeting, the queries are also to be read with the answers which are brought from their preparative meet-

ings, and the state of the members weightily considered, that, where occasion requires it, advice and counsel may be seasonably extended ;” p. 66.

The quarterly meeting, therefore, by undertaking to assist the preparative meeting, (by which was intended as subsequent events demonstrated, to procure a charge against a member of the preparative meeting, in opposition to the sense and judgment of the meeting,) exhibited in its conduct a manifest example of usurpation of power.

The committee by reporting the ministry unsound on the accusation of one individual, and contrary to the official answers, committed a direct infringement upon that part of the discipline which directs that a timely and tender care be extended to such person, according to gospel order ; first, by the individuals concerned, and then by the preparative meeting of ministers or elders to which he or she may belong.

Who can wonder, that under such a course of conduct by this combination, distress and confusion should exist ? Who could anticipate, that a case thus brought to the yearly meeting, where all the power was assumed by these very men, as we shall presently learn, could be treated with in the unity ? If we find that such a case was to be decided by the yearly meeting, and that the very men who were guilty of the misconduct, were by fraud or force, or accident, or in any other way, enabled to decide it, we shall be at no loss to see what that decision would be, nor the temper in which its consideration would be met by all parties. Yet such was the fact.—Samuel Bettle, perhaps the most active and influential man of the party, became clerk, in violation of all discipline, and thus, with his Orthodox notions of the clerk’s rights, was placed in the judgment-seat.

Another fact which had a tendency to destroy the unity of the body and dissolve the yearly meeting, has its date anterior to some of those which I have referred to. I mean the creed prepared by the meeting for sufferings in 1822. It has been stated that this creed was prepared to relieve the society from misrepresentation of its doctrines, by Amicus, in his controversy with Paul. It is a bold pretence, or if true, it is most strange, that the doctrines which wrought this necessity for a creed should not have been presented for the consideration of the court. The writings of Amicus have not been exhibited ; there is no proof that they contain one sentiment which is unsound according to the views of Friends. Unless indeed, without knowing what they are, we are to take the mere opinion of partizans in this controversy as to their being heretical, and pin our faith to theirs. I have heretofore referred to books on this question of a creed ; and shown by facts and quotations from Mosheim and others, that this allegation, of a necessity, was unfounded, or that they reasoned and acted in relation to this publication of Amicus, differently from the constant and uniform practice of Friends. I

now say, that this meeting for sufferings, composed and influenced by these same ministers and elders, designed to establish and publish a creed, which should be the standard of Orthodoxy, and by which Elias Hicks, and all others, towards whom their resentments were directed, should be tried. What is a creed? a short exposition of belief, without argument, to which all are to assent, by which all are to be bound. What was the paper prepared? a composition of sentences or parts of sentences from established, or I should rather say, respected authors, artfully combined, and intended to bind us down to one form and mode of thought and faith. How was it prepared? a *private* meeting was held the night preceding the decision of the matter. It was there resolved that it should be done. It was prepared and objected to, but entered on the minutes of the meeting for sufferings, so that if they should be approved by the yearly meeting, it might thus go out under its high approbation. When these minutes were read, great excitement was produced in the yearly meeting, and this has been attributed, by some, solely to the doctrines, and urged as evidence of the false faith of those who objected to it? But is this true? Is the allegation candid or just? Was there not other and ample ground for opposition? If that paper had been published, ~~in~~ that mode, would it not have been a creed in effect, by which to test the faith of members? And had such a creed ever been before published or approved? Never. Samuel Bettle tells us, 1st vol. pages 78-9, that Friends never had *directly* published a creed, confession or articles; and he tells us further, that this paper, these minutes were the first cause of difficulty in the yearly meeting of 1823. Decow, in his answer, insists that such is the fact. Now Friends had seen enough, in their estimation, of confessions, and prayer books, and creeds, in other times, and other sects, to make the idea of adopting them utterly abhorrent to their principles, and feelings, and belief. (Fox's Jour. 28; Epistles, 159, 162.) But that by this mode these contrivers for power meant to fasten the doctrines thus concocted and prepared, upon Friends, admits of no doubt. Else why consult about its preparation privately? Why incorporate it into the minutes for approval? Why publish it after the separation? (Evans' Expos. No. 6; Testimony of Society of Friends, No. 36; Declaration of Yearly Meeting, No. 43.)

One of these doctrines which this paper contained, was that of the trinity in unity, as founded, among other matters, upon the disputed text which says, "There are three that bear record in heaven, the Father, Son, and Holy Ghost, and these three are one." And when the paper, or rather the minutes, were under consideration, some one expressed his doubt of the authenticity of this text, and Samuel Bettle has sneered at the ignorance which he supposed must have been the cause of such a doubt, and regarded it as evidence of a denial of the doctrine by all who united in the opposition. He was not himself, perhaps, aware that Claridge, one of the most respected of ancient Friends, expressly denies it; (page 8.) and that many of the

most learned divines and commentators even among trinitarian denominations, have rejected it as spurious. Dr. Adam Clarke, one of the most distinguished and pious commentators of any age or nation, declares against it, and says that out of one hundred and sixteen of the most ancient manuscript copies of the Scriptures, he has found this text in only two, and these of comparatively modern date. The learned counsel concurs in argument with Mr. Bettle, and yet, I believe, he also agrees in most of his opinions with Dr. Scott, a leader and guide in matters of opinion, who avows that this text is an interpolation, and formed no part of the original Scriptures; though he at the same time believes in the doctrine which it teaches, and which it was intended to illustrate. And I believe it is a fact known to biblical scholars, that of all the ancient *versions* of the original, it is to be found only in the Vulgate. Samuel Bettle and the counsel must find other evidence of false faith in us, than is contained in any denial of this text, or any opposition to this written creed. We belong to a society into which when a man is admitted, on *convincement*, he is never asked if he believes in the trinity, the atonement, the inspiration of the Scriptures. These are not the questions by which his fitness is to be tried. A society, too, in which every child has a birth-right which gives him all and everything which belongs to every other member; and he holds these rights by no ordinance of admission, or examination, or prescribed rule of faith. There is a higher and holier principle acknowledged and professed, than such bonds of communion. They profess to be instructed by God himself; and no one presumes to say to another, that he shall be taught in any particular line of belief. Yet these men who belong to a society who thus deny the authority of any written creed, wished in this particular case to test the opinions of my clients by an appeal to the written opinions of men as fallible as themselves. They could not accomplish their object; and though they have since published their creed, and may have proved themselves very good trinitarians, they have proved themselves anything but Quakers.

They failed—the opposition to such a course was too strong in the yearly meeting; a large majority resisted the effort—the paper was left upon the minutes of the meeting for sufferings, but not published or printed by the authority of the yearly meeting.

We are told by Samuel Bettle, (Ev. p. 72.) that all those who resisted on this occasion, have gone off in the separation. I can neither affirm nor deny this assertion. No man can. In so large an assembly, where there was no division or count, I do not perceive how even this witness can ascertain the fact, astute and observant as he is. I wish he had explained how he had acquired the knowledge, as I do also, that when he was mentioning the objection of that member to the Scripture text, as proof against us, he had also told us, without the probing of a cross-examination, that that member had been disowned, and was not one of us.

This conduct in these elders and ministers, in 1822–3, gave

cause of uneasiness; of apprehension that illegal authority was sought; that the rule of a few was about to be established in this society of equality; that the spirit of unity was in danger; and these apprehensions prepared the way for the melancholy result of 1827. Like causes will produce like effects; and similar examples may be found in this country and elsewhere, in almost all denominations of christians.

Will the court now lend its attention to another case which preceded the yearly meeting of 1827, and which exhibits the same violation of discipline and the unity as the others which I have mentioned?

In 1826 the southern quarter chose to relieve all their representatives in the meeting for sufferings and to appoint three new ones. Their absolute right to do this has been discussed, and, I hope, satisfactorily. The meeting for sufferings is but a committee to sit in the recess of the yearly meeting, and attend to sufferings which require immediate attention. They had been annually appointed and continued for many years, when a minute was made that they continue, as before, until otherwise ordered. The meeting for sufferings, placing itself above the quarter, refused to receive the newly appointed members, and upon the ground that they were a *permanent body*, and the constituent had no right to change the representative. I cannot well imagine a more arrogant assumption, or a more despotic exercise of power. The western quarter had, a year or two before, released one of its representatives without complaint, or question as to its authority, and these men knew, or ought to have known, better. The records of the yearly meeting were within their control, and the whole history of this meeting was to be found on its records. The minute which was produced by A. Lower, vol. i. p. 370, fell accidentally into our hands, and explained the perversion of meaning to which this matter had been subjected. But this is only one of the instances of the gross injustice imposed on my clients, by withholding the records of the yearly meeting to which we were equally entitled. The offer made us to examine them, at the time and under the circumstances, was but insult added to injury. The minute which is relied upon to prove the permanency of this body, only authorizes that meeting to judge and act in cases of neglect and death, but leaves the whole remaining authority in the hands of the quarterly. The idea of a permanent body of great power and influence, in a society like ours, is a perfect absurdity, which could be supported only by those who possessed power and influence, and sought to protect and extend them. It is a fit companion for the absolute will of the clerk, especially when the same man who is made clerk has controlling influence in the meeting for sufferings.

It has been argued that the yearly meeting had rejected a proposition for a change of officers by the quarters, and, therefore, had de-

cided this question in favour of the meeting for sufferings. But is this true? The proposition referred to, related to representatives and other officers, and was intended to secure a periodical appointment of them. It was founded on the idea, that changes were often advantageous to the interests and peace of the society, and that it was inconvenient and unpleasant to make them, without a general rule by which all were at liberty to act. The same principles and motives occasioned in our general government the passage of the law which limits certain offices to four years, and requires a re-appointment, or the substitution of another, at that period. But if the recommendation of that law failed, could it have been argued that any effect was thereby produced, on the right of the appointing power, to dismiss incumbents and nominate others? and how can it be pretended the failure of this proposition for periodical appointments, is proof that the right of the appointing power to displace does not exist? When was that right taken away? Where and how? Let us see the time and mode in which we were plundered of this inherent right.

This meeting for sufferings, not content with refusing admission to these representatives, sent as agent, this same Samuel Bettle, this yearly meeting clerk, to *argue* the quarter into submission. It was an eminent failure, as might have been anticipated by any one not possessing most overweening confidence in his own influence and powers of persuasion. Not an individual of that quarter was persuaded; the decision to have their own representatives, and to appoint whom they pleased, was unanimous. And who then can wonder that vengeance fell on that quarter? The history of its treatment and punishment is known to the court. The rule which the meeting for sufferings attempted to establish and enforce, would have left that body with all power in its hands, unrestricted and uncontrolled; permanent, and with no external authority to produce a change. Men grasping power, and regardless of all unity but that which consisted in humble and slavish submission to their will, would not surrender such an instrument for effecting their purposes, and they persisted.

These transactions occurred in the early part of 1827, and were carried to the yearly meeting of that year, as one of the difficulties to be adjusted between Friends and this combination of elders. This, and other difficulties, readily suggest to the mind the reasons why the clerk of the yearly meeting was selected in the mode which has been detailed. Power grows apace. It has been said, "to be always stealing from the many to the few;" and never did it steal more rapidly than in the society of Friends for the four or five years preceding 1827, and the process led to the result which is inevitable in a society knowing its own rights and resolved to maintain them; convulsion; reorganization; change.

There were various other facts worthy of comment, which preceded the yearly meeting, and tended to destroy all harmony and unity. I would proceed to exhibit them, in order to show the state of society before that meeting, and the hopeless condition as to unity, in which the members met. But I have delayed the court long, and I fear painfully. Enough has been said to show that the society was in a state of perfect distraction; meetings for worship were disturbed; distress of mind pervaded all. And by whom was these things produced? I ask again—when and where did my clients interrupt the order of worship? When and where did they assume to violate the discipline? When and where did they claim power over their equal fellow-members? I ask further, if Quaker society for worship and discipline, consists in unity and brotherly love, did that society exist in its purity and strength? The disorders arose not from the oppressed, but from the oppressors. But sirs, it was not only in matters more appropriately of discipline that this conduct was exhibited. The yearly meeting of ministers and elders followed the example—or rather, being composed of many of the same individuals, they used that meeting to further their views.

From one of the quarters it was discovered that an abatement had been made in the answer to the query as to ministry—and thereupon, and upon this pretence, a most offensive movement was taken in relation to all the ministry everywhere. A *foreigner* charged the ministry with being unsound. I restrain myself from speaking of this matter as I believe it merits. From what meeting was this abatement, this question made? From that in Philadelphia; the same central point from which every arrow has been shot. *Was there any defect in the ministry there?* None pretended, nor would any be admitted by any one of all this combined band. Why then was the answer from this meeting made the pretence for a general movement on the subject of the ministry? We had made no complaint. There was no abatement in our answers. But they were in the seats of the oppressors, and they did not stand long to inquire into the propriety of reasons assigned for action. This meeting could only by the discipline, give “advices adapted” to the state of the deficiency; they had no right to look elsewhere, or to defects not appearing upon the reports. This conduct produced great additional uneasiness; it closed us in on every side; it cut off hope; it proved the necessity of renovation and reorganization, to save the very life of the society.

The yearly meeting of 1827 met. We are here again in difficulty in discussing facts, because we have not the minutes or records of this yearly meeting, and the meeting for sufferings. But we must submit to the difficulty. The proper and legal inference will be drawn by the court: What is a yearly meeting? Is it a representation of all the other and inferior meetings? Nothing like it. There is no representation here, except on one point, the *nomination* of the clerk; and that as matter of prudence, to secure the full voice

of all parts of the society in the selection. It is an assembling of all the members of the society for mutual edification and advice; where no man represents another; where no man is superior to another, except as he may manifestly be favoured with more of the light within. The bond of the meeting is unity; the presiding officer, the great head of the church; the principle of action, brotherly love. Without these there may be an assemblage; there can be no yearly meeting. It is not a mere gathering of men and women; this may be, yet upon Quaker principles, as before explained, there may be no meeting.

The members of this assembly met, influenced by all the feelings which in human nature would spring from the chain of facts which we have been following. There was no unity of feeling when they met. They doubtless hoped that such unity might be produced by the overshadowing of the spirit, but they were disappointed. The violators of discipline, looked to the security of their power; the injured, to existence, and the result was inevitable.

The meeting, so far as form only is concerned, was opened as usual. The representatives retired to nominate a clerk. Here the conflict, for such it was, began. We are told that two men were proposed for clerk. It is of no importance which was first proposed, although in fact John Comly was the first. A hasty proposal of a name might be made to gain an advantage, and should be of no avail in settling a question of right. Between these two men, John Comly and Samuel Bettle, the representatives, about one hundred and sixty in number, were to decide. About one hundred and fifteen were for Comly, forty-five for Bettle. Upon what honest and fair rule or principle could it be, that he who had forty-five, should be nominated against him who had one hundred and fifteen? We may listen to quibbles on this topic, until we are fatigued with the display of ingenuity itself. But practically, and as matter of common sense, there can be no question. Nor ought there to be any, upon Quaker principles. Either both the candidates should have been put aside, or the *minority* should have *condescended* to the *majority*. Their principles demanded it. The language of the ancient fathers of their society, which has been quoted, prescribed it. If any other principle be admitted, power may for ever be retained in the same hands; the majority, ninety-nine in the hundred, never can have its judgment followed, or its pleasure performed.

To evade the fair result of such a state of things, a most unworthy movement was resorted to. It was said that the first question was, shall Samuel Bettle be removed, or clerk changed? Was this true? Had it even a plausible foundation in fact? When was such a question ever before put, in any meeting of any Quaker society? Was Samuel Bettle clerk of that yearly meeting, that he must be removed before another he appointed? Where is the discipline or usage which gives countenance to this idea? Sirs, it was untrue; and the proposition an unworthy finesse, not intended perhaps, but admira-

bly calculated to mislead and to create excitement. Many representatives might not have been willing to vote for the removal of that officer, as offering some imputation against him, although they desired a change, and were anxious that the active agent in the troubles of the society might not continue; and further desired, that the direction of the discipline which requires changes, that more competent persons might be brought forward, might be acted upon.

This adroit motion, with the obstinacy, or if you please, the firmness of the minority, did but add fuel to the fire. The scene was painful—language, expressions, actions, unfit for the time and place, were produced. Such must have been the case, when Cephas Ross could have been excited to use the language which has met with such an indignant rebuke from the adverse counsel: “That he held his commission from God Almighty, and he would surrender it to no man,” or words to that import. But was not that language true on Quaker principles? Do they not all act, or profess to act, even in matters of business relating to religion, under the light which is immediately given to them? And what does such language prove? Can there be better evidence, that he who used it, felt at the moment, and felt deeply, that there was an effort, high-handed and intolerable, to wrest their rights from them; and that it was his duty to himself and his Maker, to resist it? So would have felt an early Friend, and so did hundreds of this society then feel, and feel justly and keenly.

There was—there could be no agreement at such a moment—time for reflection was needed, but this was not allowed; for their consultation was interrupted by the other members of the yearly meeting coming into the room.

By way of apology for the conduct of this minority, it has been stated in the evidence, and argued by counsel, that the Abington and Bucks quarter had increased its representatives; and thus taken an advantage of their opponents. The excuse is admirably fitted for the conduct to be excused. The quarters thus assailed, had not, before that time, had the full number of representatives, to which they were entitled by the discipline; and *they did nothing more than send that number*. This they were right in doing, because the discipline authorized and directed it—and because the Orthodox Philadelphia quarter, the centre and instrument of the mischief, had previously sent her full number. But did any evil to our opponents result from the fact? If we had only sent our previous number, would the Orthodox have had a majority? would their situation have been altered? Look at the number of representatives, and at the number of those opposed to Samuel Bettle, and the answer is given. It is an unfounded pretence, and must be regarded as the more unfounded, when it is recollected that the New Jersey and other quarters, where Friends are most numerous, did not increase their representation, as they were authorized to do. No injustice was or could be done by the increase of the representatives. They were but the committee of this meeting; as in all other meetings they have committees to select

and nominate clerks. And as in other committees, where there is a difference of opinion, the majority ought to govern.

On the assembling of the members of the yearly meeting in the afternoon, it was communicated that there was no agreement. John Cox stated, in substance, that he was requested to *report* to the meeting, that they could not agree. The fact seems from the evidence, to be clear that no such report was authorized by any decision of the body of representatives. (See Evidence.) But if such request was made, it must have been, only, by his Orthodox friends—not by the whole committee. The report, therefore, was unauthorized. There was still a possibility, perhaps a probability, that after reflection, and time for deliberation, there might have been more unity; but, by this report, all further effort was precluded—no further meeting of the committee could well take place, unless under the express direction of the meeting. I beg it here to be distinctly understood, that I impute no falsehood, or impropriety of intention of any kind, to John Cox. I am taught by the evidence in this cause, and by other sources of information, to entertain for him the most sincere respect—he is an honest, faithful, and pure man, incapable of fraud or deception. All that I allege, is, that he was in error—an honest error. But it led to fatal consequences to the peace of the meeting. Taking advantage of this report, it was insisted that if there could be no agreement as to clerk, the old one was to continue—that he was to continue until another was elected. This statement, as to the usage, was made by William Jackson; and it affected the doings of that meeting, and misled Chief Justice Ewing. *There was no such usage*; William Jackson never heard of such a case. (See Evidence.) How then could the usage exist? The very nature of the society, and the terms of the discipline forbid it. The old clerk may continue, but it must be by the assent and unity of the body, as in other cases. The office is annual. No man can be put or continued in it without this unity—it is not matter of compulsion founded on arbitrary rule. Such usage could result only from disunity, and disunity had not before existed, except in the case of Keith; and there the clerk obeyed the will or opinion of *the greater part*. (See Appeal and other documents.) At most, Samuel Bettle could only be continued until the meeting should agree on another, or expressly decide that they would not choose another. I must here repeat that the chief justice fell into error, of the most palpable kind, in relation to this point. His argument admits the necessity of a clerk, to the organization and action of the meeting, and that without it, the meeting could not legally exist and act. It further admits, as I understand him, that Samuel Bettle's position in the office of clerk, must be legalized, to sustain the proceedings of the Orthodox, and condemn those of the Friends. If Samuel Bettle was not clerk, it seems to me, on his reasoning, there was no legal and effective yearly meeting; but he gets over the difficulty by taking William Jackson's evidence, and declaring, that he became clerk by the usage of the society. If this usage did not

ist, then he was not clerk either by choice or usage. Now there is no such usage ; none such is proved ; none such could by possibility exist, without destroying the very foundation on which the whole society rests, and putting to scorn the sole principle by which they acknowledge themselves bound.

The conclusion, if the court please, is that to which my mind has been brought. Samuel Bettle was not the clerk of that yearly meeting ; he was not elected in the unity. This was indispensable ; and if that yearly meeting never was legally and constitutionally organized ; if its acts valid and effectual, according to the discipline.

But let us proceed with the facts. When this report was made by John Cox, and this statement by William Jackson, did the meeting in any mode assent to them ? was there any agreement ? any unity ? or from it ; strong resistance was made—great opposition was manifested—a large majority of the whole assemblage, I cannot properly call them yearly meeting, did not and could not consent. The majority did not *condescend* to the *minority*. And I now again enquire, could the meeting proceed to act as a meeting while this is the case ? Every genuine Quaker, of every party ; every man who understands the principles which they profess, and the bond of truth which they are united, will answer, unhesitatingly, no, no. There was no unity, no yearly meeting.

But what was done under such circumstances ? What ought to have been done, it is not hard, even for those out of the body, to tell. They should all have paused, have reflected, have waited in silence and inward meditation for the aid of that light which had before been their guide ; they should have taken affectionate opportunities with each other. The representatives should have met again, and Friends laboured to agree as Friends. The result might have been, yes, have we not a right to say it, would have been fortunate. And why was it not so ? Samuel Bettle and his associates must answer. Orthodoxy never yields an inch of power. There was a difficulty which ancient Friends would have overcome in another way. He chose, oppressor-like, to *cut* the Gordian knot. He made a minute continuing himself clerk ! He usurped the duties of that office ; he armed himself with his notions of a clerk's authority in the seat of the dictator. Was this minute agreed to ? Never. Was it binding ? It had no force. It was the exercise of power, not the offering of unity. And I must be permitted to say, that under the circumstances of this case, with the principles professed by the Quaker society, I am aware of no act of more firm and decisive determination in any man. He manifested a thorough-going decision of character which in other professions would have carried him triumphantly through more turbulent, and hazardous, and bloody scenes. I venture, sirs, to pronounce again, that this yearly meeting never was organized, never existed.

What was now the condition of the defendants ? They saw, forced upon them, in violation of the bond, in utter prostration of

the discipline, a clerk—a most unfit clerk. He had been, though not the first, yet certainly the most active and efficient agent in all their troubles; he was an actual party in all the questions of magnitude which had been brought to, and were to be decided by the yearly meeting; in the Green street case; that of Abington and Bucks, and of the southern quarter; every where that the elders and ministers had been concerned; and not nominally a party only, but really and substantially a party, and made so by himself. And he was to judge, to take the sense of the meeting. And how was he to take it? How did he esteem the members of that meeting? He has told us himself, under the solemnity of an affirmation, that he never regarded those who had dissented from the proceedings of the meeting for sufferings in 1822, *as of any weight or consideration*. In other words, all who had differed from him and his associates, he utterly disregarded in taking the sense of the meeting. The majority was thus placed in the hands of a man who utterly scorned their rights; who *could not, without violating his own opinion*, give their wishes or sense the least weight in making a minute on the most important subject; of a man, too, who was placed there upon a principle which would for ever retain him. If forty-five dissentient representatives out of one hundred and sixty could prevent the nomination of a clerk, five might, for the same reason. And if a clerk not being nominated secured the place to the old one, Samuel Bettle could by no effort be removed. Can your honours imagine a more hopeless, unmitigated despotism than that to which my clients were at that moment subjected? I cannot. Where was their remedy? At this meeting they could have none; at the next the principle must of necessity prevail. Sirs, the meanest wretch that ever crawled upon the earth, who had any conception of his own rights, would have rebelled. Their condition could not be borne. They were scorned as of no weight or consideration; their equal privileges, dear to them as their religious faith and their eternal hopes, were torn from them; and they were told, by action stronger than words, that there was no remedy. Even the slave has hope; and if these men had submitted to this insulting oppression, their very oppressors would have spurned them; the spirit of Fox and Penn, and of a thousand early Friends, would have rebuked them in their hours of retirement; their own consciences would have demanded satisfaction for their recreancy by pains and agonies.

But what were they to do? To yield their rights? Impossible. To use force, and drag the clerk from his usurped seat? Their principles forbade it. But they might withdraw from this *scene of contention*. It was their only alternative. But in withdrawing did they leave the yearly meeting? Did they forfeit their rights? I deny it; and I do so most earnestly and sincerely. There was then no yearly meeting in existence. Some other societies might perhaps have existed under such facts; theirs could not; and no man that understands their principles and discipline ought to venture the as-

assertion that it could. And even if it did exist, such oppression and misrule justified, amply justified, in conscience and in law, in the sight of God and man, a withdrawal from it; a withdrawal which can bring no forfeiture of rights and property after it.

But it has been argued (and the chief justice has fallen into the error) that the conduct of Friends, after the clerk assumed the office, was an acknowledgment of the propriety of his conduct, or at least a recognition of the yearly meeting as valid. Let us look at the facts relied upon.

In the first place, they remained there. This is true; but was it necessary that they should at once withdraw? According to their principles it was required of them, that they act with patience and forbearance; that they should remain until they saw what these violators of the discipline would do—whether there was any remaining hope of change, and whether, in the possession of power, they would relent, and act justly.

In the next place, that John Comly took his place as assistant clerk, and this is called "*a damning fact*," against us. Is it so? He was the choice of the whole meeting—he was chosen in the unity, he was requested by all to take his seat—he did so, as was his duty, though in the state of the meeting he did it reluctantly. The next morning he hesitated, because there was a clerk there, who was not chosen according to the discipline, but he was again required by the call of the whole body. His conduct throughout was in obedience to the principle of the society; he could not properly act otherwise; but he gave no recognition of the choice of Samuel Bettle; none that the meeting was valid.

On the third morning he moved an adjournment of the meeting. The motion was wise in the true spirit of Quakerism. He saw and felt that it was not prepared to act as a yearly meeting, and hoped that time and reflection would soften the asperities. It is deeply to be regretted that he was not concurred with. This society might perhaps now have been united and in peace. But it was not the will of Orthodoxy that this motion should prevail; and it is answerable for the consequences.

Again it is said, that Friends concurred in the acts done and the decisions made. The answer is, that nothing was done except ordinary matters, and matters relating to benevolent action. Friends *did* unite, and did not oppose an agreement to raise money for the relief of the Friends in North Carolina, and to aid them in sending unfortunate blacks back to Africa. If not refusing to join in such an act, is to deprive them of their rights, they would prefer to bear the consequences, rather than place themselves in the position of those who take advantage of such an act, to grasp the property which does not belong to them. But this surely was not a society act of such a character as to bind the members. It bound none; it was a voluntary expression of the joint wish that all might contribute, but none were bound to do so; none could be dealt with if they refused, each was

left to pursue the dictates of his own feelings. Nor was it confined to members of the society. It was recommended that each meeting should raise their proper proportion, but in doing so, they were not confined to their own body; aid would have been cheerfully received from any person in or out of the society of Friends. What was done, therefore, on this subject, cannot affect the questions before the court, and if it could, I do hope that even Orthodoxy would not take advantage of it, to plunder us of our property.

But it is further urged, that we united in the postponement of the difficult subjects which had been brought to this yearly meeting for adjustment, and our doing this is said by the chief justice to be a concurrence in the acts of the meeting; a recognition of it, by which we are bound. Let us examine the facts. The subjects in question, were those to which I have referred; they related to the complaints of the southern quarter; Abington and Bucks, Green street, &c. against the irregular and tyrannical breaches of discipline and unity, in the ministers and elders. These ministers and elders had one of their own number in the office of clerk, who was of the opinion that he was fully authorized to make a minute deciding any question according to his sense of the weight of the members in favour of it, and who thought the great majority of no weight at all. Could that majority desire that any one of these questions should be decided by a tribunal so constituted? They knew they could not be decided in the unity, and they also knew, that if there was a minute made in any case, it *must* be against them, and according to the opinion of the clerk and his associates. They knew further, that the meeting was not organized according to the discipline; that it was not a true yearly meeting. Under these circumstances, if they had moved and insisted that those subjects should not be meddled with, they would have acted correctly; they would have lost none of their rights thereby. A determination to postpone, because the tribunal was not legally authorized to decide, can never be an admission of the legal existence of that tribunal, but the very reverse. The argument fails. But Friends did not interfere in the matter; they did not insist or propose a postponement; they were silent about them until the Orthodox party proposed, through one of their number, (Ev. vol i. p. 69,) that those cases should be laid over. To this, Friends made no objection; but the reason assigned for it, is fatal to the argument of the chief justice. It was, that the meeting was not in a fit state, not competent to consider them. Why not in a fit state? If legally organized and constituted, why could they not consider them? The Orthodox had the guidance, so far as human means and reason go, to see that the conclusion was correct. What right had they to say that the bond of the meeting was gone? that the Great Head of the church would not preside, and the light direct them to the proper end? Is not this an open admission that Quakerism was not there? That there was no yearly meeting? He who understands their principles, instead of finding in these facts an admission of the right and legality of the

ting, will find a clear admission of the truth on which I insist. There was no unity ; no yearly meeting ; we are not bound by what done at that unlawful assemblage.

In this course the minority found their interest, their object was postponement; they could in the meantime effect other purposes, other snares, have more dealing with the refractory, and remove them out of the way, deprive them of their membership and their rights, according to their summary mode of justice. Is this imputation harsh ? Mark their conduct. They were willing to postpone these matters because the meeting was unfit to deal with them; yet they proposed, and in spite of all opposition carried a measure of the most odious character, *affecting all these questions*, and both decided for, and used as the instrument of oppression and disownment their adversaries. They could not adjust these difficulties which were there ready for consideration and adjustment, but they could appoint a *committee of their own number exclusively*, to go down to the inferior meetings to interfere with, and control or punish, all who resisted them. Where was consistency and candour when this movement was made ? It was saying to their opponents, we will not leave the question with you now; you are here, we should be troubled by you, but we will let these pass until another meeting; in the meanwhile, we will send down our agents to your meetings, deal with you, disown you, scatter you abroad, and then we shall be able to triumph over your scattered and broken fragments.

If the meeting was not in a situation to do one, it was not to do either of these things. They affected the same interests and individuals; had to do with the same subjects; related to the same controversies. One of them they were *unfit* to do; the other, with their Orthodox clerk at the table, they had the power to accomplish, but they did accomplish it, to the utter dismay of all who loved the Society and its peace, more than they loved power and victory over those whom they hated and despised.

This proposition for the appointment of committees was made in an offensive way, from an offensive source, and was earnestly rejected, but it was adopted, and without even a pretence of respect for equity. The members of it were nominated by the Orthodox, and were all Orthodox. Was this the act of a yearly meeting ? At any other age of this society it would have met the decided condemnation of every faithful Quaker.

Its effects could not have been unforeseen. This committee did go down; they interfered everywhere; they led to confusion in almost every meeting into which they entered. I beg the court to call the facts which have been read from the Evidence, and contemplate the consequences.

Disownments became common; whoever became obnoxious, because he was not submissive, was subjected to this summary process. Men and women were alike the subjects of its application; and distress was carried wherever their power was felt and acknow-

ledged. Meetings as well as members were driven from the communion and fellowship of these exclusive Friends ; these, who alone are pure in doctrine and conduct. The feelings suited to such conduct I leave to the sensibilities of the court.

But sirs, the great charge against the defendants, that on which the chief justice and the counsel rely to deprive us of our rights and property, is the fact, that we consulted together, withdrew, and held a yearly meeting elsewhere. We are charged with holding secret and private meetings to concert our schemes and execute our plans of separation, and we did separate.

A history, honestly written, of all our proceedings, would be one of which, neither now nor hereafter, we need to feel ashamed. Its *substance* may be told in a few words. When we met with each other and saw the disorganized state of that body which we loved, as ancient Friends had loved it, our hearts were affected. We saw the spirit of Keith and the separatists dominant and overbearing. We consulted together; we sympathized with each other; a few met in the evening to see if they would be guided by the light of truth to something which might restore peace. A larger number subsequently met for the same purpose. On Thursday or fifth-day evening, a more general conference took place. By that time, all hope was destroyed. The clerk had been forced upon us; our grievances were postponed and not to be redressed, because the yearly meeting was not competent to consider them, and there was no possibility of relief, while that assemblage remained constituted as it then was, and there was no practicable mode of change within the body, but by force and violence. We considered it proper to communicate our feelings and views to all the society; but we still waited; we did not agree on an address to them until after the last violent act of oppression, the appointment of the committee. To this we could not submit; we were driven and forced to make an appeal to Friends; there was no mode of arresting the evil, but by appealing to the members, to prepare them for the consequences of this headlong spirit of Orthodoxy.

The epistle was then signed and prepared for circulation, and other epistles were prepared at subsequent meetings. The attention of the court is earnestly requested to these epistles. They have been greatly misrepresented, or strangely misunderstood. The first was *not*, as has been stated, addressed to partizans and a combination, but to Friends generally. It was an appeal to all, in relation to the distresses which then pervaded the society. The facts which all these writings state are truths, and truths established, conclusively, by the evidence in this cause. They breathe only an earnest desire after peace, unity, and the restoration of the society to its ancient usages and discipline. They complain, indeed, of wrongs, but in the spirit of resistance to them which became their profession. We boldly challenge for them all, a comparison with those which have been issued by our accusers. Place them by the side of each other,

and we will let them be tried either by the spirit and principles of early Friends, or by any other which are fair, and honourable, and just. It is not my purpose here to assail the language and epistles of our adversaries, or I should find full scope for invective.

It was declared in these epistles that it was time “to seek a *quiet retreat* from this scene of *confusion* ;” and it has been, I think, unfairly inferred, that we thereby declare our purpose to separate from the yearly meeting, to desert the society. Is this true? Is it not the very burden of our complaint that the peace of the society had been interrupted, and we desired to restore it, and that we sought the countenance of Friends everywhere to aid in restoring it. We did not seek to desert the society, but finding no unity in Arch street, we desired so to conduct as to find unity, in other arrangements. Does the declaration that we desired a *quiet retreat from disorder*, prove us to be the turbulent, and restless, and disorderly persons we have been represented? Did any of our conferences at that time; have any of our meetings from the lowest to the highest, since that time, merited the denunciations which have been poured upon them? Where and when did they resemble “the pandemoniums of devils.” Or who among us have so acted as to give justice to such anathemas. Sirs, for my clients I repel such allegations with the indignation they merit. Our conferences there—our meetings at all times have been such as became Quakers—peaceful and sincere—though they have often been scenes of distress, arising from afflictions which came from without.

The testimony of Samuel Bettle has been relied upon, to show that our conferences or caucuses, as they have been styled, were held before and during the yearly meeting, by the admission of John Comly. Whatever John Comly has at any time stated, I am willing to receive as true. He was, and he is a most worthy man, against whose character no fact ever existed and perhaps no slander ever was breathed. He did, doubtless, confer with his companions and friends, often and painfully, upon the state of society, and on the oppressions to which they were subjected. Could he do otherwise? Was he blind that he could not see—deaf that he could not hear—insensible that he could not feel—and lukewarm that he took no interest in the peace and welfare of the society? No, John Comly admitted, and I avow, that not only he, but others, often conferred upon the evils and the remedy. But was this against discipline? It was in its very spirit. Was it disorganizing in its character? It was in the temper of those who bore chains and sought *by peaceful means*, to break them. And who had a right to complain of it? Are these elders so clothed with the sacredness of authority and majesty, that their acts must not be questioned nor their errors be the subjects of complaint and redress?

After the conferences, and agreeing on the address, it was decided to have a general meeting in sixth month, of such as concurred in feeling and opinion with them. Had matters remained as they

were at the time of the yearly meeting, no one can now tell what might have been the result of that meeting. It might have resulted in other counsels and other conduct. But the spirit of Orthodoxy is restless. It seemed resolved to pursue its course heedless of results, to leave no means of exasperation untried. Before this meeting assembled, the committee had begun their work, and it had become manifest that we must be driven to the last extremity. This meeting was more numerous, and no hope being left, they determined to call a yearly meeting, in other words, a meeting of the whole society. Green street, and the southern quarter had been declared to be laid down, and these Orthodox lovers of peace were hastening on to the overthrow of all those persons and meetings whom they could not control. The only mode of defence—of saving their separate and independent existence as men and meetings, was to withdraw from the theatre of their power, and reorganize the yearly meeting in such way as to prevent their aggressions.

That we had the power and the right to do this, need not be argued, unless we were indeed slaves, subjected to hopeless, unmitigated and irrepealable despotism. That the act could take away none of our rights, I do humbly insist.

This yearly meeting met in tenth month, and it is said to be a revolution, a secession, a new yearly meeting, unlawful because held at an unlawful time and place, and to have been established because we entertained religious doctrines and faith irreconcilable with those of Friends. It was not a revolution, or secession—but a restoration of the discipline, a reorganization of the yearly meeting.—A revolution is a change not of the men, but of the principles of an institution—not a removal of grievances only, but the substitution of new principles, and powers, and guards. Nothing of this was done. No new principle—no change—no new power. The society was reorganized—to organize is to construct so that one part may co-operate with another. Our action was but the renewal of the original construction, by removing and replacing what was defective and injured.

Why was it a *new* yearly meeting? The chief justice, (Opinion, 54, 55,) and the counsel, call the Arch street meeting the *ancient* yearly meeting. Where do they find the name—it has never as we know, been so called. And who gives to the reorganized meeting the name of *new*? We never so called it—never so admitted it. We called and still insist that it is the very same which was established at Burlington much more than a century ago, and has been sustained, in its integrity, against all assailants, from George Keith downward, through all the changes of time and place, which convenience and the good of the society demanded. It was not, it is true, held at Arch street, nor on the second second day of fourth month; but was it less valid for that? There were *three* sessions of this very yearly meeting in 1798-9. Its place has been changed more than once. And if Arch street monthly meeting require it,

ven the people who now meet there, may be compelled to change ; it will they lose aught of their character thereby. They will steadily say this, should the necessity fall upon them ; and I at least will not be found insisting that they have lost their rights, or should lose their property thereby. Time and place are not and never have been of the essence of any society or institution. Should the members hereafter resolve again to meet in Burlington, or should all the friends in New Jersey, think it wise and expedient, even against the wish of others, to hold a separate yearly meeting in their own state, as they surely ought to do, if they are to be subjected to Arch and Pine street domination in Philadelphia, would they thereby cease to be Friends, and must their property escheat to the lords proprietors in that city or in London ? Such would be the appropriate result according to the principles advocated in this cause ; but such propositions are too monstrous for discussion when stripped of the covering which has been thrown around them.

But it is earnestly insisted that we withdrew on account of doctrines, religious faith and opinions. Now we have made many complaints of impropriety in our adversaries, but when did we complain their religious faith, or when declare that we could not remain with them on account of their religious doctrines ? It has been argued by the counsel, that our epistle declares that there are doctrines which one party thinks salutary and the other spurious, and therefore, that we acknowledge this as a cause of separation. I shall hereafter call the attention of the court to the subject of religious principles, on the points on which the Orthodox have chosen to place the controversy, and I trust relieve my clients from all imputation in regard to the faith of early Friends, I have now to do only with the inferences drawn from that epistle, and I ask, is this treating that epistle fairly ? Do not the counsel themselves admit that the *testimonies* are called *doctrines*, and has it not been proved, that this term is applied by ancient Friends, as well to the testimonies in regard to conduct, and to the principles of their discipline, as to points of religious faith, which are usually called doctrines by others ? and most frequently so applied ? And when we have complained as to the former, not as to the latter—when our controversies have uniformly resulted from breaches of discipline, and violation of the principles of gospel order. Friends did not intend, by that expression, to contradict their language and conduct on other occasions. They meant to apply the word in the appropriate Quaker meaning to the difficulties which then existed. An attempt had been made to abridge their Christian liberty, by an exposition of faith or religious creed—and it was as one of their leading doctrines and principles, which they held in common with ancient Friends, that no creed, save in the language of Scripture, was to be tolerated. This is one of those *doctrines* which they considered sound and edifying, securing liberty of conscience, and conforming to their belief in the light within. And if the court will recall the precise point on which each of their diffic-

ties arose, they will perceive that they are all, what in their system of faith and discipline are appropriately called *doctrines*—principles of religious *conduct* and *action*, taught by the light within, as I have heretofore feebly attempted to explain it.

In conclusion of the objections, we are also told, that this yearly meeting cannot be true and lawful, because it has not been recognized by other yearly meetings. But by what yearly meeting? By certain Orthodox ones. And because they do not acknowledge and correspond with us, therefore we are false and not genuine Quakers. This, to say the least of it, is a very convenient mode of settling rights and acquiring property. Two parties arise, and the one says to the other, we don't recognize you, therefore you must give us your property. Such reasoning may pass for what it is worth.

It is not true that our yearly meeting has not been recognized by others. It first assembled in Green street, in October, 1827. The yearly meeting of Baltimore was held one week afterwards. It was a united body; no division or separation had taken place, and it sent an epistle to us, the only mode of recognition known in the Quaker system. In the subsequent year, we again received an epistle from it, by an immense majority. We have also received epistles from the great body of the yearly meeting of New York, and from other yearly meetings. In this respect, we stand on at least an equal footing with the Orthodox, as we do in all other respects, except so far as the yearly meeting of London is concerned. As we do not admit that that is either the seat of papal power, or the centre and controller of the church, we will not consent that our rights shall be measured by our conformity to it, or our subservience to its will. And we are less disposed to give our consent, because they decided, before they had received any statement or exposition from us; they measured our opinions and conduct by the representation of adversaries and enemies; they condemned us unheard. Sirs, those who agree with us, in sustaining the ancient testimonies of the society, in preserving the ancient landmarks of discipline against those who would destroy them, are, as you know from the evidence, an immense majority within the limits of Philadelphia, Maryland, New York, and other yearly meetings on this continent, and shall it be tolerated, that their rights *under our institutions*, shall be suspended on the will or infallibility of a meeting in London or elsewhere? We have not so learned the tenure by which we hold our rights, and we do not dread the instruction which this court is about to give us on this point. We have been guilty of no violations of law; we have acted as our consciences dictated, and demand before forfeitures are inflicted, that we be proved guilty of offences worthy of forfeiture. Our epistles declare our principles, and exhibit our actions: we have established no new or dangerous society; we follow where our fathers trod; we give no new principles of discipline or of conduct; we have no new faith to offer to our brethren or the world; no new road to eternal salvation. And we call upon this court confidently to declare, that

the facts which preceded, the temper which existed, and the conduct which was exhibited in the yearly meeting of 1827, fully, perfectly *justified us* in law and in morals, in seeking a quiet retreat from that scene of confusion, and that we did not thereby, forfeit our rights and lose our property.

The court adjourned.

Tuesday afternoon.

MR. SOUTHARD resumed :

The yearly meeting of 1827, is an important matter in the present controversy. It has been made so, not only in the argument of the counsel, but in the opinion of the learned judges, who gave advice to the chancellor. It was for that reason, though I did not believe that the cause depended thereon, that I called attention to the previous state of the yearly meeting, to justify my clients when they endeavoured to seek a safe retreat from oppression and confusion.

I endeavoured to show the previous condition of the society. By a few acts, I endeavoured to show how the leaders conducted themselves, and how they compelled others to act. When circumstances are considered, it will not appear that my clients have acted incautiously or imprudently. From 1823 to 1827, there was one continued scene of confusion. In the limits of the Philadelphia quarterly meeting, there was not a meeting free from disturbance. All the benefits promised by the founders of this society, if founders they could be called, were rendered nugatory by this state of things. Friends acted with proper regard to their original principles in withdrawing. There was not a month in which the peace and order of the society were not put to flight. The authors of the confusion had for their leaders on every movement, the men who had taken offence at Elias Hicks in 1819, and that other individual who was so closely identified with his opponents, as to be incapable of acting impartially. Samuel Bettle had to judge in relation to Green street meeting; and Samuel Bettle was a committee-man, to whom the affairs of that meeting had been referred. On the affairs of the southern quarterly meeting, Samuel Bettle was also a committee-man. In all cases he was a party, and how could he decide correctly as a judge?

Samuel Bettle is a human being—a man. After being the active partizan, he comes to the yearly meeting, and places himself there, not as a member, but as a judge, and left no hope to them who felt themselves aggrieved by the party to which he was attached.

There was an extensive meeting of Friends, but there was, and could be no yearly meeting. There was no bond of affection, no unity. It was "Greece, but living Greece no more." The moment that Samuel Bettle took possession of the clerkship as he did, the spirit of unity fled. It was then as impossible that there should

be a living yearly meeting, as it would have been, if not one Friend had been guided by love and unity.

Some of our witnesses have improperly, as I think, spoken of the change that was effected as a revolution. Others have spoken of it as a reorganization. That is the true word. Organization is the arrangement of the component parts of a body. Reorganization is a new arrangement of the same component parts. Those who effected the reorganization, meant to call back the spirit of unity, so as to form one body out of those who agreed in sentiment.

It was this they accomplished. It was this they sought for. When I come to certain general principles, I shall be obliged to review several of these points. I therefore leave them for the present.

It is said by the other party, that when we seceded from the Arch street yearly meeting, we seceded from the early faith of the society, and thereby forfeited all claims to its property. I enter my protest against this conclusion. Connexion with Arch street is no sufficient evidence of sound faith ; to meet elsewhere is no proof that we have deserted the faith of our fathers.

Although our protest on this point has been entered on the bill, and we have declared that we have not changed, the learned counsel has affirmed that he would fasten on us the charge of heresy. Has he succeeded ? It shall be my endeavour to show that the opposite party did not understand, or has not correctly represented, the doctrines of the society, and that we have not deserted them.

This is strange employment for counsel. I am no theologian ; I have not made such questions the business of my life. I approach the subject with diffidence ; but its difficulty must not deter me from my duty. In discharging it, I shall, of course, be compelled to rely on what I have been able to gather from the labours of a few writers ; and, whenever I can, I shall use their phraseology without reluctance.

I shall take the questions as they have been submitted by the opposite party ; divide them, as they have divided them, consider them fairly, and then leave it to the court to say, how far the Orthodox party have come up to this standard ; how far we have fallen short of it.

Our opponents have selected three given doctrines, and require our consciences to be tested in relation to them. They do not complain of us, as generally heretical, but as heretical on a few points ; and being so, we must be turned out of the church.

I do not believe that the members of any church could stand a scrutiny, conducted on such principles. If you were to take the confession of faith of the presbyterian sect, and make belief in each of its doctrines—in those, for instance, of election and reprobation, as laid down therein, the only condition of membership, you would scatter them widely. If you should take up the thirty-nine articles of the episcopalians, and require rigid conformity to all of them, from all the members, you would break up many of their churches. No

church could stand such an examination; no party in a church should draw such a line, and require others to believe up to it.

The first doctrine we are to consider, is, that of the trinity, a doctrine that has been the subject of controversy, from the latter part of the second century, down to the present moment.

The meaning of the word is sufficiently fixed. It denotes the doctrine of three persons in the Godhead—the three united in one—the one God. It means this, and nothing more or less.

This doctrine was not a subject of debate, during the first and a part of the second century of the christian era, *either* because it was then unknown, or because it was not then doubted. But from near the commencement of the third century—from the days of Tertullian, till of the second council of Constantinople, it has been the constant subject of controversy.

Tertullian was the first to use the word person. From that time to the present, no trinitarian has denied the word, or something that corresponded to it. The words person, *upostasis*, and *prosopon*, have ever been those by which trinitarians have expressed their ideas,

the Greek word *upostasis* having been used in the eastern, and the latin word person in the western empire. There has always been a perfect uniformity on this point, among trinitarians, not in the modes of explanation and the language used, but in the idea of the fact. The word person or *upostasis*, or *prosopon*, was perhaps used originally by the ancient fathers, without due caution, and from the poverty of language. But it was used uniformly, to express their agreement among themselves, and their disagreement with others, in relation to the doctrine itself.

In an early period of the church, the Sabellians and others denied the existence of any real distinction in the Godhead, and asserted, that the Father, Son, and Holy Spirit, were merely *attributes* of God, in the name of different ways in which he revealed himself to mankind, or of different relations which he bore to them, and in which he acted. The believers in the trinity, used the word person to express a *real* not a *nominal* distinction; and, that, although God was numerically one, in essence and in attributes, yet, that the Son and Holy Ghost, do, in some respects, truly and really, not merely nominally and logically, differ from the Father. (Stuart's Letters, —22.)

Trinitarians believe, that the "only living and true God, exists in a trinity of persons—the Father, Son, and Holy Ghost; the Father of none, neither begotten nor proceeding. The Son is, in a mysterious manner, eternally begotten of the Father, and is a divine person, equally with the Father. The Holy Ghost is also a divine person, proceeding from the Father and the Son, from all eternity. And these three are one; the same in substance, equal in power, and in glory." (Miller's Letters, 78.)

This, I understand to be the trinitarian doctrine—the unity of the three persons in the Godhead. What they distinctly mean by per-

son, or *upostasis*, it is not necessary for me to explain. This is not the time, nor the place, nor I the prophet for such a task. Let him, who at any time attempts it, take off his shoes, for the place on which he stands is holy. It is sufficient for me, that the three words all express distinction—difference in the Godhead. The most common word, person, means the quality, state, or condition, whereby one differs from another; “*per se una; naturæ rationalis individua substantiæ.*” Those who read Cicero, will recognize these words as his. My object is not to explain this distinction, or the doctrine of the trinity, but only to inquire what it is, by all who believe in it, so as to apply that belief to the developments which have been made by the complainants, and thereby test the value of their pretences on this point.

The works that explain this doctrine are without number. They begin, I believe, with that of Tertullian, *Liber Adversus Praxeus*, and come down to the last controversial publications of the trinitarians and unitarians, in England and America. Reference to a few only must answer my purpose.

Tertullian, who wrote the apology for the christians before the beginning of the third century, used both the word person and the word trinity. The apostles', the Athanasian, and the Nicene or Constantinopolitan creeds, the latest of which was formed in the year 381, and all of which are used in the public offices of the church of England, and a subscription to which is required of the established clergy, and was required of dissenting teachers by the toleration act, till relieved by the 19th of George III., all unite in both terms.

The Athanasian creed is not, I believe, used by the episcopalians of America. The damnatory clauses, as they are called, were not satisfactory to the American episcopalians. They were “except every one do keep them [i. e. the particulars of this creed] whole and undefiled, without doubt he shall perish everlastingly.” This is not used here: and it is, I believe, the desire of many of the episcopalians of England that it should not be used there. This creed was formed by one hundred and fifty bishops.

The last mentioned of these creeds (the Nicene) uses the following phraseology:

“They believe in the name of the Father, Son, and Holy Ghost, so, namely, that there is one divinity, power, and substance of the Father, Son, and Holy Ghost, who possess equal dignity and co-eternal dominion, who exist in three most perfect hypostases, or three perfect persons, so that the sect of Sabellius shall have no place, which confounds the persons and takes away their appropriate qualities, nor the blasphemy of the Eunomians, Arians, and opposers of the Holy Spirit prevail, which destroys the substance, and nature, and divinity of the uncreated, consubstantial, and co-eternal trinity, by introducing a posterior nature, of a different substance, and created.”

This clear and definite exposition of the doctrine of the trinity is sustained by all the public confessions and creeds of trinitarians in

regenerated and reformed christendom. It is sustained by the Lutheran, by the French formed in 1566, by the English formed in 1562, by the Belgian in 1566, the Westminster Confession of Faith in 1647, the Helvetian in 1666, by that of Basil in 1532, by that of the Waldesnes, and by that of the synod of Dort in 1618. All, but one of these, were formed before the time of George Fox, and it is to be presumed that ancient Friends were not unacquainted with the notions of at least a part of them.

In all, the same or nearly the same language is used, and this understood by it, three perfect persons.

Take, for example, the English confession of faith of 1562. It says :

“The Father, Son, and Holy Ghost, be of one power, of one majesty, of one eternity, of one Godhead, and one substance. And although these three persons be so divided, that neither the Father is the Son, nor the Son is the Holy Ghost nor the Father ; yet, nevertheless, we believe that there is but one very God.”

The Westminster confession, which was approved by the general assembly of divines in 1647, the very age of Fox, and which has been adopted by all the presbyterian churches in Great Britain and America, and assented to by the great part of the congregational churches of New England, conveys the same idea. And the catechism of the presbyterian church says :

“There be three *persons* in the Godhead, the Father, the Son and the Holy Ghost, and these three are one true, eternal God, the same in substance, equal in power and glory, although distinguished by their personal properties.”

This is the language of the catechism which presbyterians teach their children.

The doctrine of the episcopal church is to be found in the first of the thirty-nine articles. It says :

“In the unity of the Godhead there be *three persons*, of one substance, power and eternity, the Father, the Son and the Holy Ghost.”

The very learned Adam Clarke, who speaks the language of a very numerous and respectable sect of christians, says, in the close of his Commentaries on the Bible, that,

“One of the *principles revealed* in the Scriptures, is, that in the one uncreated, unoriginated, infinite, and eternal Being, there is a plurality of what are commonly called persons, not separately subsisting, but essentially belonging to the Godhead, which persons are commonly termed, Father, Son, and Holy Ghost, or God, the Logos, and the Holy Spirit, and these are generally named the trinity.”

All trinitarian sects give the same general definition of the doctrine, and its *essential* and *necessary feature* is, that there is in the Godhead a threefold mode of existence, (mysterious to us,) but which carries with it, the idea of an ineffably glorious society in the God-

head. Miller, 85. I refer also to Dr. Barrow's exposition of his views on this point.

This specific point of faith, I mean the persons of the trinity, has its track along the whole course of christian revelation, nor do its advocates believe it is found exclusively in christendom. Many go so far as to declare, that it is to be found in various disguises, in the savage wilds.

Indissolubly connected with this doctrine, and an inseparable part of it, is the spiritual divinity of Jesus Christ. Trinitarians unite with the sublimest of poets, with the prophet Isaiah, ch. lx. 16. lxiv. 7, 8, 9; in ascribing to him the name Jehovah, which is the peculiar and incommunicable name of God, and imports the necessary, independent, and eternal existence of the Most High. They thus adore him as the Lord, the Saviour, the Mighty One of Jacob, who is the same yesterday, to-day, and for ever. And they believe that his existence is in a personality—a person both human and divine—that manhood was taken into God—and that he could and did thus suffer as man for man, and merit as God to God. Dr. Edwards has said, in his History of Redemption, page 19, “that the appearance of God since the fall, is by the second person of the trinity, and he is, therefore, called the image of the invisible God, and through him the church has a representation which is not invisible.”

Nor do they consider this distinctive feature of their faith as unimportant, and about which they may say that it is a *logical inference*, and that they express no opinion of it. But they believe that, upon the proper divinity and co-essentiality of each of the three persons, hang all their hopes as men, and comfort as christians, and that these must either rise with it to unending joys, or vanish like a fleeting vision for ever.

But, essential as it is, they do not pretend to explain the mode or manner of the triune existence. It is the great *mystery of the kingdom revealed*, not *explained*; believed because it is revealed, but not comprehended, because they have not yet seen God face to face, and do not know as they are known.

To this short statement of my conceptions of the doctrine, it is, perhaps, proper for *me* to add, that it ought not to be condemned as unreasonable, because it is inexplicable, so long as our reason is incapable of rising to explore the existence, or span the glories of the upper world. Nay, while the acutest philosopher amongst us cannot define and explain even the particles of grass beneath our feet, the atoms which float in the atmosphere around us, or the action of our own spirits, in our own bodies. We can do none of these. We cannot, by the puny extension of our geometry, demonstrate the proportions and arrangements of an infinite world, nor can we develop the thousand mysteries of nature which are around us, nor the still more glorious mysteries of the omniscience, the omnipresence, and the providence of Him who inhabiteth eternity. The trinitarian believes and trembles. “Speak Lord, for thy servant heareth.”

Taking with us then, this doctrine of the trinity, which is the only doctrine of trinitarians, let us inquire, in the first place, if the complainants are trinitarians; and, in the second place, if they have a right to denounce my clients as heretics, and demand from us a forfeiture of our civil rights, because they believe, and we do not believe this doctrine, and do not take this name.

What do they tell us on page 30, of their answer ?

“ In the first place, although the society of Friends have seldom made use of the word trinity, yet they believe in the existence of the Father, the Son, or Word, and the Holy Spirit.”

Here the Friends are represented as believing in the doctrine of the trinity, though they *seldom* use the word. It was an uncandid expression. When did Quakers ever use the word trinity, as expressive of their faith, or as conveying their opinions on this subject ? When Penn uses it, it is not as expressive of his own ideas, but of those of others. Otherwise he would reject his own declarations again and gain. No Quaker ever used the word trinity to express his belief of the three in one. They may have used it in controversy, and to avoid misapprehension, but never as explaining or conveying their own opinions.

They proceed to say:

We believe “ that the Son was God, and became flesh—that there is one God and Father, of whom are all things; that there is one Lord Jesus Christ, by whom all things were made, who was glorified with the Father before the world began, who is God over all, blessed for ever; that there is one Holy Spirit, the promise of the Father and the Son, the leader, and sanctifier, and comforter of his people, and that these three are one, the Father, the Word, and the Spirit.”

Now does not every man that believes in the Scriptures, believe that the Son was God, and became flesh; that there is one God and Father, of whom are all things; that there is one Lord Jesus Christ, by whom all things were made, who was glorified with the Father before the world began, who is God over all, blessed for ever; that there is one Holy Spirit, the promise of the Father and the Son, the leader, and sanctifier, and comforter of his people, and that these three are one, the Father, the Word, and the Spirit.”

Where is the christian who does not, *in his own mode*, believe this ? The difference is in the mode of believing, and that mode the Orthodox have not explained.

“ That the principal difference between the people called Quakers, and the other protestant trinitarian sects, in regard to the doctrine of the trinity, is, that the latter attach the idea of individual personage to the three, as what they consider a fair logical inference from the doctrines expressly laid down in the Holy Scriptures.”

The doctrine is not truly declared here. The trinitarian does not make it a logical inference. The trinitarian believes it to be revealed, and directly revealed. Right or wrong, that is his belief.

I am not satisfied with the manner in which the phrase "other protestant trinitarian sects" is introduced. When was the Quaker called a trinitarian? or his sect a trinitarian sect? Since the rise of society in 1647 till the present period, they have been regarded as disavowing of the trinitarian doctrine. Neither in Mosheim nor Milner, neither in Adam nor in John Evans are they represented as of this belief. In the works which I have seen which profess to give the sentiments of different religious denominations, the Friends are represented as differing from others on the subject of the trinity. No man ever dreamed of calling the Quakers a trinitarian sect, till the present controversy arose. They have not treated the court with candour in this declaration. The whole christian world has been in error, if the Quakers are a trinitarian sect—according to the universal understanding of the doctrine. And all that they now say in this bill may be true, and yet by constructions put upon the language, they may avoid the full force of the real doctrine.

I am not convinced that the "principal difference between the Quakers and other trinitarian sects" is that of "the logical inference." That "logical inference," as it is called, is of the very essence of the doctrine; for without it the doctrine cannot exist. The Orthodox Quaker and the trinitarian stop at totally distinct points in their progress. The Orthodox will not inquire whether there are distinct yet united persons, but leaves that to Scripture testimony. The trinitarian believes that there are three persons or hypostases, but does not define or explain what person or hypostasis means. The Orthodox Friend stops far short of trinitarianism, and if he does not, he is no Quaker. They do not differ, it is true, according to their statement about the *words* of the bible. They agree in them: but they differ in the meaning which they attach to them.

I am confirmed in this exposition by the authorities to which reference is usually made by them. The Confession and the Catechism of Barclay, and the letter to the governor and council of Barbadoes, do not express the ideas which trinitarians attach to the texts of Scripture therein given. They are quotations from Scripture language merely; and when the judge in this cause inferred from them that Barclay was a trinitarian, he gave to us a *non sequitur*. How did Barclay understand the words? How does the unitarian understand them? They both admit they are part of the inspired volume. He does what Barclay did—he uses the words. And he does what Barclay did not—he explains the use of them.

I refer to page 2 of the Catechism, and to page 106 of the Confession. There you will find the passages on which I plant myself. Barclay there quotes the passages on which trinitarians build; but puts no construction on them which would make him a trinitarian.

So it is in all the acts of the society to which I have had access. No where is it declared that Friends are trinitarians. We learn it now, for the first time, when they come into court, and strive to get possession of their neighbours' property.

In 1815 Jesse Kersey published a work on the principles of the society of Friends. It purports to be an explanation of the doctrines of the society ; and it was published under the sanction of the meeting for sufferings. It contains not one word of that doctrine, without which, my eloquent friend told us, there could be no true christianity. Of that doctrine which he told us was the alpha and omega of Orthodox theology, not one word is to be found in Kersey. Is it not strange, he should have omitted what is so essential ? It was a part of the principles which it was his professed object to explain.

In 1825—as late as that—the leader of Orthodox Friends in America, Elisha Bates, published an exposition of the doctrines of the society. I have endeavoured to lay my hand on the work, but have not been able to find it to-day. It was in 1825 or 1826 that an English gentleman, I believe the author, called at my office, and presented the book to me. I received it with thankfulness, and read it with attention. I wished to bring it into court. It is a volume of nearly two hundred pages, and yet not a word is said about the trinity in it, except at the beginning, where about a dozen lines are devoted to creeds and confessions of faith, and at the close, in page 10, where the author offers an apology for not having considered this very doctrine of the trinity. Indeed, in none of their expositions have they avowed themselves trinitarians, in the strict sense of the term.

If they are a trinitarian sect, could it have been possible that the doctrine could have been passed over in this way ? The believer in regard to it as necessary to his salvation. It is with him a practical doctrine, and one on which he delights to build his hopes as he contemplates the retributions of eternity ; and he never conceals or denies it.

If these men believed in the trinity as others believe, why did they conceal their belief ? It was an unworthy evasion. But they do not so believe. They were not afraid to give their faith to the world, but this was not their faith.

The Orthodox have not been candid. What was their object, whether it was to claim the sympathy of other sects, or something else, I know not. But they have no right to claim the sympathy of trinitarians, as of one faith with them.

There can be no inference favourable to the Orthodox party, from their declared belief ; nor ought there to be an inference unfavourable to our cause, if we should avow a dissent from that belief.

But if I am in error, and the Orthodox are trinitarians, then it is demonstrable, that they are not original ancient Quakers. They, it is true, did believe in the Father, in the Son, and in the Holy Spirit, but they believed in them without distinction of persons.

If the Quaker society is a trinitarian society, the christian world has been in error in regard to their sentiments. The numerous Quakers in existence at its origin, proclaimed the doctrine of the trinity. Why were the Friends sent to the jails and dungeons of Great Bri-

tain? Was it not because they denied this belief? Why was Penn imprisoned in London, by the order of the bishop of London? Was the bishop of London incapable of judging of Penn's sentiments? Was not Penn more than a fool, not to declare his opinion, when such a declaration would have prevented his imprisonment, and procured his deliverance?

Penn was an Orthodox Quaker. He was not an Orthodox trinitarian.

In this connection I refer to Adams's View of all Religions, and to John Evans's Sketch; and, notwithstanding all the abuse that has been heaped on Brownlee and Cox, I think their works afford sure evidence that the Quakers are not trinitarians. They are, if you choose to believe, men full of prejudice and sectarian zeal; but men of vigorous intellect, and who have minute information of the history of Friends. One of the two was educated among them, and as he asserts, thoroughly indoctrinated. And they concur in the decided opinion, that this doctrine is not a part of the Quaker belief.

The Quakers were not so ignorant, that, believing in the doctrine, they could not explain it, nor were they hypocrites respecting it. But, sirs, I propose to inquire what was the doctrine of ancient Friends on this and other points. I attempt it with increased dread. In giving a review of their doctrines of the trinity, and of the atonement, I do not feel exactly a fitness for the task, but it is my duty to undertake it.

In the first place, they discarded not only *three persons* but all *distinctions of any kind*, so far as regarded the *divine nature* itself. It was one without division, and without distinction. I speak not now of manifestations. But, as regarded the real nature of the trinity, they discarded all distinctions of persons, *hypostases* and *prosopa*.

Thus George Fox, on page 397, of the Great Mystery, in replying to Wade, who had asserted that the Holy Ghost was a person, and that there was a trinity of persons before Christ was born, says: "Thou knowest not him that is in the Father, in him glorified with the Father before the world began. And the Scriptures do not tell people of a trinity, nor three persons; but the common-prayer, mass-book, speaks of three persons, brought in by thy father the pope; and the Father, Son, and Holy Spirit was always one."

Meaning manifestly, to deny and controvert all his distinctions in the divine nature itself: although he did admit of distinction in the various manifestations of the Deity to man. He admitted the distinction of Father, Son, and Spirit, as applicable not to the nature of God, and the mode of his existence, but to the operation and manifestations of the *divine nature in man*. The great, leading, fundamental doctrine was the light within; that this light as a seed, had been implanted in every man, that as it is nourished and regarded, it will grow up to happiness and glory. That this light is Christ, that Christ is God, and the Holy spirit is God and the light, and they are one and the same.

Again: They consider the text of the three which bear record in heaven, as intended, in the revelation and communication to man, to carry the three manifestations or operation of the one infinite and indivisible—as communicating a great practical truth, which they might feel and realize, in the work of their own individual salvation—as exhibiting the Jehovah, as the creator of all things, and the governor of the universe, and, at the same time as he, who himself, of his own unsolicited mercy, prepared the covering for us, (in our own reconciled hearts,) against the penalties of a violated law, and was also himself the light, which centered in, and guided us each to himself, and thus leave the record of his own mercy, and our restoration to him.

They did not believe in what is called the hypostatical union of the divine and human nature, in Jesus Christ; but that Christ was from everlasting, the wisdom of God, and the power of God; that this wisdom and power dwelt in, and actuated the prepared body of Jesus of Nazareth, in fulness; but, that the word Christ was applicable, in its strictest and highest sense, not to the body, but to the divine nature; that the manhood was but instrumentally a Saviour, being altogether dependant on the Father, for all he had, and all he did; that it was the instrument which God used to make the manifestation of his will to man. And, hence, when in their writings or remarks they use the term Christ, they mean, invariably, the wisdom and power of God, as dwelling in, and actuating, the man Jesus. This term, too, they apply to the light to which they look, and which is their guide. Hence, whenever they speak, as in question or denial of the sufferings of the Saviour, and the blood, they mean the human body and blood of Jesus of Nazareth; but have no intention to question the divinity of the atoning and reconciling sacrifice.

This is the view I have received from their works. I give it with caution, yet not without confidence. They have accused other christians of drawing inferences from Scripture language, which cannot be supported.

In 1 Crisp's Works, page 82, we read:

“The doctrines of your church also are reprovable and corrupt in many things, contrary to the Scriptures. And first, in your doctrines of God, whom you say is to be known and believed on, as in the distinguishment of three persons; and herein ye teach contrary to the Scriptures of truth, which you say is your rule, and by it are all such dreamers and deceivers judged, and by the spirit which gave them forth, which speaks nowhere of three persons, as ye imagine and teach, but declares of the only wise God, who is one in his being and subsistence individual, infinite, who divideth all things, and to every sort their portion, who limiteth all things, and is not limited; whose power and spirit are inseparable from him, who is the Father of the spirits of all flesh, who by his power createth, and by his spirit quickeneth all living creatures, whose power is the Christ, and whose spirit is the holy and eternal life which they partake of, who wait for

his appearance in his power ; and these doth not the Scriptures call three persons, but *the one Witness in the heaven* which you are all ignorant of, who dream and divine to the people, of a distinguishment of persons in the Godhead ; therefore cease your deceit, ye deceivers and soothsayers of Egypt, and come to the light that shines in the heart, that by it you may come to the true knowledge of God your Creator, and of his power by which ye were created, and of his spirit by which he quickens into newness of life, all those who fear him, and wait for his salvation, which now by the light is making manifest."

Thus denying all *distinguishment*, as he calls it, in the Father, Son, and Spirit ; denying all attributes to one, which are not ascribed to another.

In Penn's *Sandy Foundation Shaken*, page 253, it is said, "If God, as the Scriptures testify, hath never been declared or believed, but as the Holy One, then will it follow, that God is not an holy three, nor doth subsist in three distinct and separate Holy Ones ; but the before-cited Scriptures undeniably prove that One is God, and God only is that Holy One ; therefore he cannot be divided into, or subsist in an holy three, or three distinct and separate holy ones. Neither can this receive the least prejudice from that frequent but impertinent distinction, that he is one in substance, but three in persons or subsistences ; since God was not declared or believed incompletely, or without his subsistence. Nor did he require homage from his creatures, as an incomplete or abstracted being, but as God the Holy One : For so he should be manifested and worshipped, without that which was absolutely necessary to himself. So that either the testimonies of the aforementioned Scriptures are to be believed concerning God, that he is entirely and completely, not abstractly and distinctly, the Holy One, or else their authority to be denied by these trinitarians. And on the contrary, if they pretend to credit those holy testimonies, they must necessarily conclude their kind of trinity a fiction."

Again : "If there be three distinct and separate persons, then three distinct and separate substances, because every person is inseparable from its own substance ; and as there is no person that is not a substance, in common acceptation among men, so do the Scriptures plentifully agree herein : And since the Father is God, the Son is God, and the Spirit is God, (which their opinion necessitates them to confess) then unless the Father, Son, and Spirit, are three distinct nothings, they must be three distinct substances, and consequently, three distinct Gods."

Tell me, was William Penn a trinitarian when he wrote that language ? If "three distinct nothings" mean three distinct persons, or three distinctions of any kind in the divine nature, then was William Penn a trinitarian.

A number of other volumes are lying before me, to which I purpose to refer on this subject.—S. Crisp, 82, 83.—G. Fox, *Great My-*

tery, 397, 463, 464, 396. In this latter passage, it is said God the Father took flesh.—1 William Penn, 252, 253, 254, 257, 269, 164.—2d vol. 783.—G. Fox Ep. to Whitehead's Divinity of Christs, pages 10 and 12.—G. Whitehead's Divinity of Christ, 23, 24 ; and chapter 2, pages 15, 31, 35.

I have endeavoured to come to a conclusion, by comparing them with one another ; and thus give the result.

They discarded all distinctions as regarded the divine nature in itself, but not as regarded its manifestation to man.

The works which show this might be multiplied without number. No man can take up their books, and declare, that William Penn, and Whitehead, and Crisp, and Fox, believed as trinitarians believe.

But whatever be their doctrine, it is strange that Orthodox Friends should reproach us for not publishing our belief in the form of a creed, when they themselves, hesitate to avow their own sentiments, even individually, when questioned in relation to them.

On page 144, of vol. 1, the following question is put to Thomas Willis, one of their esteemed teachers:

“ Does the society of Friends hold the doctrine of the trinity, as professed by the church of England, only avoiding the use of the term *person*, as too outward and unscriptural ? ”

The question is put with all caution. He answers:

“ We hold the doctrines of christianity, as set forth and ably defended in the writings of our primitive Friends ; and in an especial manner in Robert Barclay's Apology for the true christian divinity.”

Now do we not say truly, that they have no right to call on us to say what we believe ? When inquiry is made what they believe, they call upon their leader, and they say, we believe as Robert Barclay believed. Do we not say the same ? Is it not declared in the pleadings, that we entertain the faith of ancient Friends ?

I beg you to mark the evasion by Thomas Willis to the following question :

“ Did Robert Barclay ever treat upon the subject of the trinity ? ”

One would suppose the answer would be yes or no. What is the answer ?

“ I do not recollect such a word in the Bible ! ”

The counsel was not satisfied, and pushed the question.

“ Did Robert Barclay ever treat upon the subject of which we have been speaking ? ”

What reply was then given ?

“ I would refer thee to his own work.”

Sirs, after this will you enforce a forfeiture from us, because we decline answering questions which we denied the right of any court to ask ?

The counsel continued his interrogatories.

“ Am I to understand you as referring to Barclay's works, as authority upon this subject, without knowing whether or not he has treated of it ? ”

son, or *upostasis*, it is not necessary for me to explain. This is not the time, nor the place, nor I the prophet for such a task. Let him, who at any time attempts it, take off his shoes, for the place on which he stands is holy. It is sufficient for me, that the three words all express distinction—difference in the Godhead. The most common word, person, means the quality, state, or condition, whereby one differs from another; “*per se una; naturæ rationalis individua substantiæ.*” Those who read Cicero, will recognize these words as his. My object is not to explain this distinction, or the doctrine of the trinity, but only to inquire what it is, by all who believe in it, so as to apply that belief to the developments which have been made by the complainants, and thereby test the value of their pretences on this point.

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Tertullian, who wrote the apology for the christians before the beginning of the third century, used both the word person and the word trinity. The apostles', the Athanasian, and the Nicene or Constantinopolitan creeds, the latest of which was formed in the year 381, and all of which are used in the public offices of the church of England, and a subscription to which is required of the established clergy, and was required of dissenting teachers by the toleration act, till relieved by the 19th of George III., all unite in both terms.

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“They believe in the name of the Father, Son, and Holy Ghost, so, namely, that there is one divinity, power, and substance of the Father, Son, and Holy Ghost, who possess equal dignity and co-eternal dominion, who exist in three most perfect hypostases, or three perfect persons, so that the sect of Sabellius shall have no place, which confounds the persons and takes away their appropriate qualities, nor the blasphemy of the Eunomians, Arians, and opposers of the Holy Spirit prevail, which destroys the substance, and nature, and divinity of the uncreated, consubstantial, and coeternal trinity, by introducing a posterior nature, of a different substance, and created.”

This clear and definite exposition of the doctrine of the trinity is sustained by all the public confessions and creeds of trinitarians in

generated and reformed christendom. It is sustained by the Lutheran, by the French formed in 1566, by the English formed in 1562, by the Belgian in 1566, the Westminster Confession of Faith in 1647, the Helvetian in 1666, by that of Basil in 1532, by that of the Waldesnes, and by that of the synod of Dort in 1618. All, but none of these, were formed before the time of George Fox, and it is to be presumed that ancient Friends were not unacquainted with the notions of at least a part of them.

In all, the same or nearly the same language is used, and this understood by it, three perfect persons.

Take, for example, the English confession of faith of 1562. It says :

“The Father, Son, and Holy Ghost, be of one power, of one majesty, of one eternity, of one Godhead, and one substance. And though these three persons be so divided, that neither the Father is the Son, nor the Son is the Holy Ghost nor the Father ; yet, nevertheless, we believe that there is but one very God.”

The Westminster confession, which was approved by the general assembly of divines in 1647, the very age of Fox, and which has been adopted by all the presbyterian churches in Great Britain and America, and assented to by the great part of the congregational churches of New England, conveys the same idea. And the catechism of the presbyterian church says :

“There be three *persons* in the Godhead, the Father, the Son and the Holy Ghost, and these three are one true, eternal God, the same in substance, equal in power and glory, although distinguished by their personal properties.”

This is the language of the catechism which presbyterians teach their children.

The doctrine of the episcopal church is to be found in the first of the thirty-nine articles. It says :

“In the unity of the Godhead there be *three persons*, of one substance, power and eternity, the Father, the Son and the Holy Ghost.”

The very learned Adam Clarke, who speaks the language of a very numerous and respectable sect of christians, says, in the close of his Commentaries on the Bible, that,

“One of the *principles revealed* in the Scriptures, is, that in the one uncreated, unoriginated, infinite, and eternal Being, there is a plurality of what are commonly called persons, not separately subsisting, but essentially belonging to the Godhead, which persons are commonly termed, Father, Son, and Holy Ghost, or God, the Logos, and the Holy Spirit, and these are generally named the trinity.”

All trinitarian sects give the same general definition of the doctrine, and its *essential* and *necessary feature* is, that there is in the Godhead a threefold mode of existence, (mysterious to us,) but which carries with it, the idea of an ineffably glorious society in the God-

head. Miller, 85. I refer also to Dr. Barrow's exposition of his views on this point.

This specific point of faith, I mean the persons of the trinity, has its track along the whole course of christian revelation, nor do its advocates believe it is found exclusively in christendom. Many go so far as to declare, that it is to be found in various disguises, in the savage wilds.

Indissolubly connected with this doctrine, and an inseparable part of it, is the spiritual divinity of Jesus Christ. Trinitarians unite with the sublimest of poets, with the prophet Isaiah, ch. lx. 16. lxiv. 7, 8, 9, in ascribing to him the name Jehovah, which is the peculiar and incommunicable name of God, and imports the necessary, independent, and eternal existence of the Most High. They thus adore him as the Lord, the Saviour, the Mighty One of Jacob, who is the same yesterday, to-day, and for ever. And they believe that his existence is in a personality—a person both human and divine—that manhood was taken into God—and that he could and did thus suffer as man for man, and merit as God to God. Dr. Edwards has said, in his History of Redemption, page 19, “that the appearance of God since the fall, is by the second person of the trinity, and he is, therefore, called the image of the invisible God, and through him the church has a representation which is not invisible.”

Nor do they consider this distinctive feature of their faith as unimportant, and about which they may say that it is a *logical inference*, and that they express no opinion of it. But they believe that, upon the proper divinity and co-essentiality of each of the three persons, hang all their hopes as men, and comfort as christians, and that these must either rise with it to unending joys, or vanish like a fleeting vision for ever.

But, essential as it is, they do not pretend to explain the mode or manner of the triune existence. It is the great *mystery of the kingdom revealed*, not *explained*; believed because it is revealed, but not comprehended, because they have not yet seen God face to face, and do not know as they are known.

To this short statement of my conceptions of the doctrine, it is, perhaps, proper for *me* to add, that it ought not to be condemned as unreasonable, because it is inexplicable, so long as our reason is incapable of rising to explore the existence, or span the glories of the upper world. Nay, while the acutest philosopher amongst us cannot define and explain even the particles of grass beneath our feet, the atoms which float in the atmosphere around us, or the action of our own spirits, in our own bodies. We can do none of these. We cannot, by the puny extension of our geometry, demonstrate the proportions and arrangements of an infinite world, nor can we develop the thousand mysteries of nature which are around us, nor the still more glorious mysteries of the omniscience, the omnipresence, and the providence of Him who inhabiteth eternity. The trinitarian believes and trembles. “Speak Lord, for thy servant heareth.”

Taking with us then, this doctrine of the trinity, which is the only doctrine of trinitarians, let us inquire, in the first place, if the complainants are trinitarians; and, in the second place, if they have a right to denounce my clients as heretics, and demand from us a forfeiture of our civil rights, because they believe, and we do not believe this doctrine, and do not take this name.

What do they tell us on page 30, of their answer?

“In the first place, although the society of Friends have seldom made use of the word trinity, yet they believe in the existence of the Father, the Son, or Word, and the Holy Spirit.”

Here the Friends are represented as believing in the doctrine of the trinity, though they *seldom* use the word. It was an uncandid expression. When did Quakers ever use the word trinity, as expressive of their faith, or as conveying their opinions on this subject? When Penn uses it, it is not as expressive of his own ideas, but of those of others. Otherwise he would reject his own declarations again and again. No Quaker ever used the word trinity to express his belief of the three in one. They may have used it in controversy, and to avoid misapprehension, but never as explaining or conveying their own opinions.

They proceed to say:

We believe “that the Son was God, and became flesh—that there is one God and Father, of whom are all things; that there is one Lord Jesus Christ, by whom all things were made, who was glorified with the Father before the world began, who is God over all, blessed for ever; that there is one Holy Spirit, the promise of the Father and the Son, the leader, and sanctifier, and comforter of his people, and that these three are one, the Father, the Word, and the Spirit.”

Now does not every man that believes in the Scriptures, believe “that the Son was God, and became flesh; that there is one God and Father, of whom are all things; that there is one Lord Jesus Christ, by whom all things were made, who was glorified with the Father before the world began, who is God over all, blessed for ever; that there is one Holy Spirit, the promise of the Father and the Son, the leader, and sanctifier, and comforter of his people, and that these three are one, the Father, the Word, and the Spirit.”

Where is the christian who does not, *in his own mode*, believe this? The difference is in the mode of believing, and that mode the Orthodox have not explained.

“That the principal difference between the people called Quakers, and the other protestant trinitarian sects, in regard to the doctrine of the trinity, is, that the latter attach the idea of individual personage to the three, as what they consider a fair logical inference from the doctrines expressly laid down in the Holy Scriptures.”

The doctrine is not truly declared here. The trinitarian does not make it a logical inference. The trinitarian believes it to be revealed, and directly revealed. Right or wrong, that is his belief.

I am not satisfied with the manner in which the phrase "other protestant trinitarian sects" is introduced. When was the Quaker called a trinitarian? or his sect a trinitarian sect? Since the rise of society in 1647 till the present period, they have been regarded as disavowing of the trinitarian doctrine. Neither in Mosheim nor Milner, neither in Adam nor in John Evans are they represented as of this belief. In the works which I have seen which profess to give the sentiments of different religious denominations, the Friends are represented as differing from others on the subject of the trinity. No man ever dreamed of calling the Quakers a trinitarian sect, till the present controversy arose. They have not treated the court with candour in this declaration. The whole christian world has been in error, if the Quakers are a trinitarian sect—according to the universal understanding of the doctrine. And all that they now say in this bill may be true, and yet by constructions put upon the language, they may avoid the full force of the real doctrine.

I am not convinced that the "principal difference between the Quakers and other trinitarian sects" is that of "the logical inference." That "logical inference," as it is called, is of the very essence of the doctrine; for without it the doctrine cannot exist. The Orthodox Quaker and the trinitarian stop at totally distinct points in their progress. The Orthodox will not inquire whether there are distinct yet united persons, but leaves that to Scripture testimony. The trinitarian believes that there are three persons or hypostases, but does not define or explain what person or hypostasis means. The Orthodox Friend stops far short of trinitarianism, and if he does not, he is no Quaker. They do not differ, it is true, according to their statement about the *words* of the bible. They agree in them: but they differ in the meaning which they attach to them.

I am confirmed in this exposition by the authorities to which reference is usually made by them. The Confession and the Catechism of Barclay, and the letter to the governor and council of Barbadoes, do not express the ideas which trinitarians attach to the texts of Scripture therein given. They are quotations from Scripture language merely; and when the judge in this cause inferred from them that Barclay was a trinitarian, he gave to us a *non sequitur*. How did Barclay understand the words? How does the unitarian understand them? They both admit they are part of the inspired volume. He does what Barclay did—he uses the words. And he does what Barclay did not—he explains the use of them.

I refer to page 2 of the Catechism, and to page 106 of the Confession. There you will find the passages on which I plant myself. Barclay there quotes the passages on which trinitarians build; but puts no construction on them which would make him a trinitarian.

So it is in all the acts of the society to which I have had access. No where is it declared that Friends are trinitarians. We learn it now, for the first time, when they come into court, and strive to get possession of their neighbours' property.

In 1815 Jesse Kersey published a work on the principles of the society of Friends. It purports to be an explanation of the doctrines of the society ; and it was published under the sanction of the meeting for sufferings. It contains not one word of that doctrine, without which, my eloquent friend told us, there could be no true christianity. Of that doctrine which he told us was the alpha and omega of Orthodox theology, not one word is to be found in Kersey. Is it not strange, he should have omitted what is so essential ? It was a part of the principles which it was his professed object to explain.

In 1825—as late as that—the leader of Orthodox Friends in Ohio, Elisha Bates, published an exposition of the doctrines of the society. I have endeavoured to lay my hand on the work, but have not been able to find it to-day. It was in 1825 or 1826 that an aged gentleman, I believe the author, called at my office, and presented the book to me. I received it with thankfulness, and read it with attention. I wished to bring it into court. It is a volume of nearly two hundred pages, and yet not a word is said about the trinity in it, except at the beginning, where about a dozen lines are bestowed on creeds and confessions of faith, and at the close, in page 310, where the author offers an apology for not having considered this very doctrine of the trinity. Indeed, in none of their expositions have they avowed themselves trinitarians, in the strict sense of the term.

If they are a trinitarian sect, could it have been possible that the doctrine could have been passed over in this way ? The believer in it regards it as necessary to his salvation. It is with him a practical doctrine, and one on which he delights to build his hopes as he contemplates the retributions of eternity ; and he never conceals or denies it.

If these men believed in the trinity as others believe, why did they conceal their belief ? It was an unworthy evasion. But they did not so believe. They were not afraid to give their faith to the world, but this was not their faith.

The Orthodox have not been candid. What was their object, whether it was to claim the sympathy of other sects, or something else, I know not. But they have no right to claim the sympathy of trinitarians, as of one faith with them.

There can be no inference favourable to the Orthodox party, from their declared belief ; nor ought there to be an inference unfavourable to our cause, if we should avow a dissent from that belief.

But if I am in error, and the Orthodox are trinitarians, then it is demonstrable, that they are not original ancient Quakers. They, it is true, did believe in the Father, in the Son, and in the Holy Spirit, but they believed in them without distinction of persons.

If the Quaker society is a trinitarian society, the christian world has been in error in regard to their sentiments. The numerous creeds in existence at its origin, proclaimed the doctrine of the trinity. *Why were the Friends sent to the jails and dungeons of Great Bri-*

tain? Was it not because they denied this belief? Why was Penn imprisoned in London, by the order of the bishop of London? Was the bishop of London incapable of judging of Penn's sentiments? Was not Penn more than a fool, not to declare his opinion, when such a declaration would have prevented his imprisonment, and procured his deliverance?

Penn was an Orthodox Quaker. He was not an Orthodox trinitarian.

In this connection I refer to Adams's View of all Religions, and to John Evans's Sketch; and, notwithstanding all the abuse that has been heaped on Brownlee and Cox, I think their works afford sure evidence that the Quakers are not trinitarians. They are, if you choose to believe, men full of prejudice and sectarian zeal; but men of vigorous intellect, and who have minute information of the history of Friends. One of the two was educated among them, and as he asserts, thoroughly indoctrinated. And they concur in the decided opinion, that this doctrine is not a part of the Quaker belief.

The Quakers were not so ignorant, that, believing in the doctrine, they could not explain it, nor were they hypocrites respecting it. But, sirs, I propose to inquire what was the doctrine of ancient Friends on this and other points. I attempt it with increased dread. In giving a review of their doctrines of the trinity, and of the atonement, I do not feel exactly a fitness for the task, but it is my duty to undertake it.

In the first place, they discarded not only *three persons* but all *distinctions of any kind*, so far as regarded the *divine nature* itself. It was one without division, and without distinction. I speak not now of manifestations. But, as regarded the real nature of the trinity, they discarded all distinctions of persons, *hypostases* and *prosopa*.

Thus George Fox, on page 397, of the Great Mystery, in replying to Wade, who had asserted that the Holy Ghost was a person, and that there was a trinity of persons before Christ was born, says: "Thou knowest not him that is in the Father, in him glorified with the Father before the world began. And the Scriptures do not tell people of a trinity, nor three persons; but the common-prayer, mass-book, speaks of three persons, brought in by thy father the pope; and the Father, Son, and Holy Spirit was always one."

Meaning manifestly, to deny and controvert all his distinctions in the divine nature itself: although he did admit of distinction in the various manifestations of the Deity to man. He admitted the distinction of Father, Son, and Spirit, as applicable not to the nature of God, and the mode of his existence, but to the operation and manifestations of the *divine nature in man*. The great, leading, fundamental doctrine was the light within; that this light as a seed, had been implanted in every man, that as it is nourished and regarded, it will grow up to happiness and glory. That this light is Christ, that Christ is God, and the Holy spirit is God and the light, and they are one and the same.

Again: They consider the text of the three which bear record in heaven, as intended, in the revelation and communication to man, to carry the three manifestations or operation of the one infinite and indivisible—as communicating a great practical truth, which they might feel and realize, in the work of their own individual salvation—as exhibiting the Jehovah, as the creator of all things, and the governor of the universe, and, at the same time as he, who himself, of his own unsolicited mercy, prepared the covering for us, (in our own reconciled hearts,) against the penalties of a violated law, and was also himself the light, which centered in, and guided us each to himself, and thus leave the record of his own mercy, and our restoration to him.

They did not believe in what is called the hypostatical union of the divine and human nature, in Jesus Christ; but that Christ was from everlasting, the wisdom of God, and the power of God; that this wisdom and power dwelt in, and actuated the prepared body of Jesus of Nazareth, in fulness; but, that the word Christ was applicable, in its strictest and highest sense, not to the body, but to the divine nature; that the manhood was but instrumentally a Saviour, being altogether dependant on the Father, for all he had, and all he did; that it was the instrument which God used to make the manifestation of his will to man. And, hence, when in their writings or remarks they use the term Christ, they mean, invariably, the wisdom and power of God, as dwelling in, and actuating, the man Jesus. This term, too, they apply to the light to which they look, and which is their guide. Hence, whenever they speak, as in question or denial of the sufferings of the Saviour, and the blood, they mean the human body and blood of Jesus of Nazareth; but have no intention to question the divinity of the atoning and reconciling sacrifice.

This is the view I have received from their works. I give it with caution, yet not without confidence. They have accused other christians of drawing inferences from Scripture language, which cannot be supported.

In 1 Crisp's Works, page 82, we read:

“The doctrines of your church also are reprovable and corrupt in many things, contrary to the Scriptures. And first, in your doctrines of God, whom you say is to be known and believed on, as in the distinguishment of three persons; and herein ye teach contrary to the Scriptures of truth, which you say is your rule, and by it are all such dreamers and deceivers judged, and by the spirit which gave them forth, which speaks nowhere of three persons, as ye imagine and teach, but declares of the only wise God, who is one in his being and subsistence individual, infinite, who divideth all things, and to every sort their portion, who limiteth all things, and is not limited; whose power and spirit are inseparable from him, who is the Father of the spirits of all flesh, who by his power createth, and by his spirit quickeneth *all living* creatures, whose power is the Christ, and whose spirit is the holy and eternal life which they partake of, who wait for

his appearance in his power ; and these doth not the Scriptures call three persons, but *the one Witness in the heaven* which you are all ignorant of, who dream and divine to the people, of a distinguishment of persons in the Godhead ; therefore cease your deceit, ye deceivers and soothsayers of Egypt, and come to the light that shines in the heart, that by it you may come to the true knowledge of God your Creator, and of his power by which ye were created, and of his spirit by which he quickens into newness of life, all those who fear him, and wait for his salvation, which now by the light is making manifest."

Thus denying all *distinguishment*, as he calls it, in the Father, Son, and Spirit ; denying all attributes to one, which are not ascribed to another.

In Penn's *Sandy Foundation Shaken*, page 253, it is said, "If God, as the Scriptures testify, hath never been declared or believed, but as the Holy One, then will it follow, that God is not an holy three, nor doth subsist in three distinct and separate Holy Ones ; but the before-cited Scriptures undeniably prove that One is God, and God only is that Holy One ; therefore he cannot be divided into, or subsist in an holy three, or three distinct and separate holy ones. Neither can this receive the least prejudice from that frequent but impertinent distinction, that he is one in substance, but three in persons or subsistences ; since God was not declared or believed incompletely, or without his subsistence. Nor did he require homage from his creatures, as an incomplete or abstracted being, but as God the Holy One : For so he should be manifested and worshipped, without that which was absolutely necessary to himself. So that either the testimonies of the aforementioned Scriptures are to be believed concerning God, that he is entirely and completely, not abstractly and distinctly, the Holy One, or else their authority to be denied by these trinitarians. And on the contrary, if they pretend to credit those holy testimonies, they must necessarily conclude their kind of trinity a fiction."

Again : "If there be three distinct and separate persons, then three distinct and separate substances, because every person is inseparable from its own substance ; and as there is no person that is not a substance, in common acceptation among men, so do the Scriptures plentifully agree herein : And since the Father is God, the Son is God, and the Spirit is God, (which their opinion necessitates them to confess) then unless the Father, Son, and Spirit, are three distinct nothings, they must be three distinct substances, and consequently, three distinct Gods."

Tell me, was William Penn a trinitarian when he wrote that language ? If "three distinct nothings" mean three distinct persons, or three distinctions of any kind in the divine nature, then was William Penn a trinitarian.

A number of other volumes are lying before me, to which I purpose to refer on this subject.—S. Crisp, 82, 83.—G. Fox, *Great My-*

ery, 397, 463, 464, 396. In this latter passage, it is said God the Father took flesh.—1 William Penn, 252, 253, 254, 257, 269, 164.—2d vol. 783.—G. Fox Ep. to Whitehead's Divinity of Christs, pages 10 and 12.—G. Whitehead's Divinity of Christ, 23, 24 ; and chapter 1, pages 15, 31, 35.

I have endeavoured to come to a conclusion, by comparing them with one another ; and thus give the result.

They discarded all distinctions as regarded the divine nature in itself, but not as regarded its manifestation to man.

The works which show this might be multiplied without number. No man can take up their books, and declare, that William Penn, and Whitehead, and Crisp, and Fox, believed as trinitarians believe.

But whatever be their doctrine, it is strange that Orthodox Friends should reproach us for not publishing our belief in the form of a creed, when they themselves, hesitate to avow their own sentiments, even individually, when questioned in relation to them.

On page 144, of vol. 1, the following question is put to Thomas Willis, one of their esteemed teachers:

“ Does the society of Friends hold the doctrine of the trinity, as professed by the church of England, only avoiding the use of the term *person*, as too outward and unscriptural ? ”

The question is put with all caution. He answers:

“ We hold the doctrines of christianity, as set forth and ably defended in the writings of our primitive Friends ; and in an especial manner in Robert Barclay's Apology for the true christian divinity.”

Now do we not say truly, that they have no right to call on us to say what we believe ? When inquiry is made what they believe, they call upon their leader, and they say, we believe as Robert Barclay believed. Do we not say the same ? Is it not declared in the leadings, that we entertain the faith of ancient Friends ?

I beg you to mark the evasion by Thomas Willis to the following question :

“ Did Robert Barclay ever treat upon the subject of the trinity ? ”

One would suppose the answer would be yes or no. What is the answer ?

“ I do not recollect such a word in the Bible ! ”

The counsel was not satisfied, and pushed the question.

“ Did Robert Barclay ever treat upon the subject of which we have been speaking ? ”

What reply was then given ?

“ I would refer thee to his own work.”

Sirs, after this will you enforce a forfeiture from us, because we decline answering questions which we denied the right of any court to ask ?

The counsel continued his interrogatories.

“ Am I to understand you as referring to Barclay's works, as authority upon this subject, without knowing whether or not he has treated of it ? ”

“A. As the society of Friends are not in the practice of using the word *trinity*, or the ‘doctrine of the trinitarians,’ we have generally avoided much unnecessary and needless disquisition on the subject.

“Q. Where did you learn what was the sense of the society on the subject of the Father, Son, and Holy Spirit, if they have never entered into disquisitions on such doctrines?

“A. In their uniform acknowledgment and belief in the Scripture testimony, as we find it.”

Then he came back to the position, we believe in the Scriptures, and there are the Scriptures. “We receive it as it stands in the Holy Scriptures.” Yet when we proclaim our belief in the Holy Scriptures, our confession of faith is believed to be too vague to establish our rights.

The counsel continues :

“Q. How then do you undertake to say that Elias Hicks was unsound upon this doctrine?

“A. We refer to the Scripture testimony ; the declarations of Jesus Christ and his apostles concerning himself ; and to declarations contained in Elias Hicks’s printed discourses, and compare them together on the same points.”

By what standard did they compare them ? by the Quaker or the trinitarian ?

There was the same kind of equivocation in relation to Elias Hicks, on pages 147, 148.

“Q. Did I understand the witness to say, that the society had considered the subject of the text, that ‘there are three who bear record in heaven,’ &c., was beyond the comprehension of poor finite man ? And if so, why has Elias Hicks been quarrelled with upon that subject ?

“A. For explanation, I would refer you to the declarations of Jesus Christ concerning himself, together with those of his apostles concerning him ; compare the same with the public declarations of Elias Hicks on the same point.

“Q. The witness has said, that Elias Hicks embraced views that were not in accordance with the views of the society of Friends, in relation to the divine character of our Saviour. What has the society understood by the *divinity of Christ* ?

“A. We understand it as set forth by the inspired prophets, by our blessed Lord himself, and by his apostles.”

On pages 152, 153, a similar exhibition is made.

“Q. From your sources of information, as mentioned in your examination in chief, do the society of Friends believe that Christ is distinct from his Father, and is now interceding with him on our behalf ?

“A. The society of Friends, avoiding the nice disquisitions, and changing the Scripture terms for schoolmen’s, receive the doctrine on this subject as contained in holy writ.

“Q. What is the doctrine on this subject as contained in holy writ, according to the views of the society ?

“A. They have always acknowledged that ‘there are three that bear record in heaven, the Father, Son, and Holy Ghost ;’ for a more clear exposition, if any be needed, I would refer to their standard works.

“Q. What are the objects for which, according to the doctrine of your society, Christ is acting as our advocate with the Father ?

“A. We having made divers exhibits of our doctrines, I refer to them for a more full explanation.

“Q. Do you decline answering ?

“A. No ; I think my answer is sufficient ; if otherwise, I stand ready to answer.

“Q. Do any of our writers, or of the eminent preachers of the society, explain those objects ?

“A. We consider the infinite Jehovah and his attributes beyond the comprehension of our finite capacities : our blessed Lord says, ‘I in the Father and the Father in me :’ how much more safe and consistent for us finite and dependant beings, not to strive to comprehend the nature or manner of the existence of the divine Being in all his infinitude and perfections, as the Father, and the Son, and the Holy Spirit are one ; so the manifestation of the Father to us, as stated by Robert Barclay, is in accordance with the doctrine of our blessed Lord, ‘no man knoweth the Father but the Son, and he to whom the Son revealeth him.’

“Q. The witness has used the terms ‘advocate with the Father ;’ will he be pleased to say, whether he used them with any definite meaning which the society holds on the subject ?

“A. I did not undertake to define on this subject any further than is defined in the Holy Scriptures, and acknowledged by our society.

“Q. What are these terms acknowledged by the society to mean ?

“A. I consider it more proper for me to refer to the exhibited doctrines of the society, than to enter far into the disquisition of the subject.

“Q. Has not your society found exceptions to Elias Hicks on this very point, and are we not entitled to an explanation of it ?

“A. I believe his denial of the doctrine, as stated in the Scripture, has been noticed by the society.

“Q. Has Elias Hicks denied the doctrine referred to by the terms ‘advocate with the Father,’ as laid down in the Scriptures ?

“A. I have understood some of his doctrines to amount to a rejection of them.

“Q. How can they amount to a rejection of them according to the views of the society, if the society does not explain them ?

“A. I have often referred to our standard authors for an explanation as far as the society has given it.

“Q. Where has any of your standard authors explained it ?

“A. Read Barclay’s Catechism on the subject.

“ Q. Does Barclay give any explanation of the quotations from Scripture which he makes in his Catechism ?

“ A. The answers to the question on the several points are in Scripture terms.

“ Q. Does he undertake to explain those answers ?

“ A. Not in the Catechism. His more general explanations of the doctrines of the society, are to be found in his Apology.

“ Q. Does he explain these terms in his Apology ?

“ A. Perhaps not to the satisfaction of those who esteem themselves wise in their generation, and are not bound to believe anything they cannot comprehend.

“ Q. Does he explain them to the satisfaction of those who are not wise in their generation, and are willing to believe what they cannot comprehend ?

“ A. If any man will be wise, let him first become a fool ; the wisdom of this world is foolishness with God, for the natural man receiveth not the things of the spirit of God, they are foolishness unto him ; neither can he know them, because they are spiritually discerned. When we are brought into this state of mind, as is represented in the doctrine of our blessed Lord and his apostles, we are willing to wait in child-like simplicity for the illumination of the divine spirit upon the understanding, as being the principal revelation of the spirit spoken of in Robert Barclay's Apology ; and as we come into this disposition of mind, not desiring to be wise beyond what is revealed to us, by the illumination of the spirit of truth—to these, I believe, the explanation given in Barclay's Apology, is all they would ask for or desire.

“ Q. Do you acknowledge the revelations of the spirit to which you have just referred, to be *immediate* upon the soul ?

“ Witness. I desire to be informed what is meant by *immediate* ?

“ Counsel. Not through any medium.

“ Witness. I suppose then, to the rejection of the doctrine stated by Robert Barclay, that no man knoweth the Father but the Son, and he to whom the Son revealeth him ;—am I so to understand it, in rejection of the testimony of Jesus Christ, that ‘ no man cometh to the Father but by me ?’ I want a direct answer to this question.

“ Counsel. We reject no doctrines of our Saviour ; we only asked what the witness meant by his own expressions.

“ Witness. I shall appeal to the doctrine of Jesus Christ as the test, as I have above quoted it.

“ Counsel. We submit to the same test.

“ Q. Has Barclay explained the expressions before referred to, at all, to the satisfaction of either the wise or the unwise, in his Apology, or elsewhere ?

“ A. I cannot answer for all the *wise*, or all the *unwise*, but am therewith satisfied myself.

“ Q. Has he explained them at all ?

“ A. If thou wishest me to do so, I can read the book, as we have

it here ; and I again refer to it, and to other works here exhibited, for answer."

On pages 154 and 155, the counsel proceeds :

"Have the society of Friends ever held that the Father, Son and Holy Spirit, mentioned in the text, before referred to, have individual and distinct consciousness, or any distinct manner of acting or thinking?

"Answer. We reject such anti-scriptural terms and phrases, and of course the doctrine, if I understand anything what it means.

"Question. I ask for an answer to the question. Does the witness understand what it means?

"Answer. No—and therefore I wish thee to inform me what thou meanest.

"Counsel. I mean by consciousness, a distinct and individual power of perception and action.

"Answer. They hold no such doctrine.

"Question. How then can one of them be an intercessor with another?

"Answer. We believe in the Scripture doctrine, that our 'Lord and Saviour Jesus Christ, who died for our sins, rose again for our justification, ascended into heaven, and sitteth at the right hand of the Father, and ever liveth to make intercession for us.' This doctrine is received by the society, as found recorded in the Holy Scriptures, but the society have not undertaken to define and point out any such logical distinctions, but receive and believe in the doctrine, as we find it recorded.

"Question. If your society reject the doctrine of individual consciousness in the three, how is it that you accuse Elias Hicks of unsoundness upon that subject?

"Answer. As the apostle tells us, that he is our mediator and redeemer, we mean that Lord Jesus Christ, who died for the sins of the whole world, without the gates of Jerusalem, who arose again from the dead, who ascended into heaven, and sitteth at the right hand of God, to make intercession for us. This doctrine Elias Hicks denies.

"Question. Did Elias Hicks ever deny the doctrine of the apostle, that Christ was our mediator and redeemer, according to those Scripture terms, and as they were used by our primitive Friends?

"Answer. We understand him plainly to deny it—but we do not know what you mean by the term Christ, as often repeated in these queries; and would wish to understand, what is and has been thereby meant, in order to be prepared, distinctly to answer."

Again, on page 167:

"Question. Have then the society believed in what is called the hypostatic union, or substantial oneness, of the two natures in Christ; human and divine?

"Answer. We are accountable for those doctrines which are found in the standard works we acknowledge, and leave others at liberty

to charge any doctrines upon us which are found in the works thus approved, and as above exhibited—but we do not hold ourselves bound to answer any more such logical and unnecessary questions as this, until there is a fair ground in those works brought against us to base the questions upon.”

There, in the bill, they say they are trinitarians, and they call Thomas Willis to prove it. In their bill, they tell us to stand by, for they are more holy than we; but how do they appear in the examination. Would it be too severe a rebuke to say, their apparent want of sincerity is a reproach to those who directed that bill to be filed? Thomas Willis was not alone in his mode of answering. J. Whitall, is equally unsatisfactory in some of his answers. Thus, in page 231 :

“Question. Were they not careful to express their doctrines in the language of the Scriptures, instead of the interpretations of men; and did they not thereby avoid much occasion of schism?

“Answer. They were remarkably careful in those respects; and to declare their disunity with the interpretations of men not enlightened by divine truth.

“Question. Does the witness mean to be understood as saying, that those he says have seceded, do not believe in the Scripture trinity, of the Father, Son, and Holy Spirit, and that ‘these three are one?’

“Answer. I do certainly believe, that Elias Hicks did not hold that doctrine, in the manner ever held by Friends.”

Joseph Whitall will pardon me for saying, that he did not understand the doctrine he was speaking of. When he spoke of Christ's peccability, he spoke of a doctrine which has divided all the christian world. When Elias Hicks preached this doctrine, he preached what half the christian world believe. The divine nature, no one supposes, can sin. It is to the human nature the doctrine refers. On page 233, we read :

“Question. If the fleshly body was not God, could it be one with God, or one of the holy Three?

“Answer. If I have understood Friends correctly, they have admitted a distinction between Christ and that prepared body; but never have consented to divide Christ from his body.”

Pray, who ever did? A question is put to Thomas Evans, on page 292 :

“Question. If you hold that there is no contrariety of will in them, do you hold that they are, in any manner, *distinct*?

“Answer. We have always denied that the Deity consisted of *distinct* and *separate* persons: and while we have believed that there were *three*, have as uniformly maintained that those *three* are *one*.

“Counsel. The question is not fully answered.

“Witness. If the counsel will explain his meaning of the term *distinct*, as used in the question, I will endeavour to answer further.

“Counsel. The question is, do you hold that they are *in any manner distinct* ?

“Witness. I have already stated that the society of Friends do not believe that there are *distinct* and *separate persons* in the God-head ; and have answered him in Scripture terms, as regards what the society do believe : if he is disposed to dive further into the subject than the Holy Spirit has seen meet to reveal it to us in the Scriptures, I cannot follow him in what I consider an unwarrantable curiosity.”

Thus, when asked as to their *mode* of belief, they will not, they do not, tell you. They invariably take refuge in concealment, and in this way shield themselves in that impenetrable covering, which neither their opponents nor their counsel can penetrate ; and all this, too, while quarrelling with their brethren for alleged unsoundness in *their* mode of belief on these very points !

I have now done with the doctrine of the trinity. I have endeavoured to show what this doctrine is as received by the christian world generally ; the opinion of ancient Friends in relation to it ; the declaration on this subject, in the bill of the complainants ; and how they have supported this declaration by their witnesses. I am now to consider the doctrine of *the atonement*.

By the atonement the great mass of christians understand, the satisfying of divine justice, by Jesus Christ giving himself a ransom for us, undergoing the penalty due to our sins, and releasing us from the punishment which God might justly inflict upon us.

The original word which is translated atonement, signifies *covering*, conveying the idea that by it we are covered from the avenging justice of God. In Romans, v. 11, the word translated atonement, is the Greek, *katallagen*—reconciliation. It means, simply reconciliation. It is in that aspect the Quakers regard the atonement. This idea is to be found in the expression, “ by Jesus Christ we have received the reconciliation.”

In the views of christians generally, the word has two aspects, the first is that of *expiation*, by which is meant the act of doing that which furnishes a just ground or reason in a system of judicial administration, for pardoning a convicted offender. J. Pye Smith, on Atonement, 136.

But as, in pardon, the act which causes it, must not only be done, but the gracious disposition be felt and manifested in the ruler ; the idea has another aspect, namely, that of *propitiation* ; or that which has the property of disposing or causing the judge to admit the expiation ; that is, to assent to it as a valid reason for pardoning the offender. *Ibid.*

Expiation regards the condition of the offender. Propitiation, that of the sovereign.

The same thing or act may, and it is fit that it should be, both the reason and the motive for the pardon. Hence satisfaction is the ordinary doctrine of atonement with christians. They believe that the

sacrifice of Jesus Christ was the compensation for a broken law, the payment of a debt which man owed but could never pay. That God proposed a glorious display of his justice as well as his mercy, and therefore would not pardon without a satisfaction. And that through the imputed righteousness of Christ, men are saved, the righteousness of the Saviour being imputed to the pardoned offender; for the doctrine of imputation is intimately connected with that of satisfaction.

All trinitarians agree in one or other of these views of the atonement. All regard it in the light of an expiation, or of a propitiation. But this is not the Quaker idea of atonement.

Your honours will perceive, that the idea of a satisfaction is everywhere rejected in the principles of Friends. They consider it in the light of a reconciliation; not of offended God, but of offending man.

The reason and evidences of the doctrine, as trinitarians believe it, they consider scattered through all the types, and ceremonies, and prophecies of the Holy Volume, and in the acts and events of the sacrifice himself, and they look to it as their only and alone ground of confidence, and hope of escape, from the terrors of a guilty conscience, and the awful retributions of an eternal world.

If this is the true doctrine of the atonement, I ask if the Orthodox mean in their bill to express their belief in satisfaction and imputed righteousness. If they do, they believe not as Penn, and Barclay, and Whitehead believed.

Their bill leaves it uncertain what is their faith on this point, and they ought, either to have explained their meaning, or have avoided making this a question in our controversy.

The ancient Friends did believe in the *atonement*. It was indissolubly connected with their fundamental truth, the light of Christ in the heart; for it is that very light, that Christ within, which atones and reconciles to God, and in producing this change, throws the covering between man and the justice of his God.

They believed that in the work of atonement and reconciliation, there was no change in God. He was from everlasting the same merciful being, willing to be gracious, and seeking to reconcile his offending subjects to himself, and demanding only their repentance, renovation, and love to him. That man was in a state of alienation from and rebellion against God, and could not be restored until his heart was changed and reconciled to the law of his Maker. That in working this change and reconciliation, it was necessary to effect it in his heart, and that this is called atonement. Man must be altered and renewed, and this being done, the atonement was made, the covering was thrown between him and the primitive justice of God.

They believed further, that man could not produce this change in himself, without the aid of his Father's love. And that to enable him to effect it, in the councils of his wisdom, and the overflowings of his love, he proposed the mission of the blessed Jesus, and in his

sufferings and death made an offering and sacrifice well pleasing in his sight, and which should operate as an instrumental cause to change the heart, and bring it back to obedience ; and that thus, through his sufferings and death, atonement was made for the sins of man.

They thus believed, that Christ was the effect of God's love to man, not the cause of it. That he was the gift and the expression of that love. That God was in Christ reconciling the world to himself. That through this instrumental cause he did himself produce the reconciliation and reformation, and that they precede the atonement, or unity to God, and are not consequential to it. And that we are not, therefore, justified by the imputation of the righteousness of Jesus Christ, except as is experienced in our own persons, in our obedience to the will of God, produced by him, and enabling us to keep his commandments and abide in his love.

This is one of the strong features of the doctrine of the atonement, as held by Friends. They believe that we are not justified by the righteousness of Christ, except so far as we experience it in ourselves. The court will at once perceive that this doctrine does not deny the divinity of Jesus Christ. It humiliates man to nothing, and elevates Christ as the very essence and expression of the love and power of God. It is God himself that acts, and offers, and makes, and receives the sacrifice.

As regards the outward body, outward actions, and outward sufferings of Jesus, whatever we may attribute to them as the remote procuring cause of the penitent state of our own minds, and in consideration of which penitence, God exercises his free mercy in our forgiveness, it is God that worketh "all in all." This power communicated, dispensed, bestowed on man, is man's Redeemer. Beside him there is no Saviour. This power is Christ. It is the light which came into the world, and entering the heart, there atones, mediates, prepares the ransom, restores man to purity, reunites him to the favour of his Maker and his God. Hence this power, this Christ, is called the life, the word of reconciliation, and looking to the phraseology of the law, to the legal figures which were the emblems of spiritual realities, and to the sacrifices which were the anti-type of this one great continuing and all pervading sacrifice ; it is said that the blood was the life, and that without its shedding, there was no remission ; the blood of Jesus, the blood of Christ, the blood of the covenant, and the blood of Jesus Christ, the Son, cleanses from all sin, when we walk in the light, and have fellowship with God, for God is light, and in the light.

I ask, then, did the Quakers deny, or mean to deny, the holy mission, the atonement, the reconciliation produced by God, when they declined to look to the outward temple of the power, to the outward sacrifice, to the blood shed, so far as that blood partook of the human body of the Saviour, for their deliverance from sin and death, and their pardon and restoration to God? Oh no. They looked through the instrumental cause to the Great I Am who directed, and to that

love which produced that instrumental cause ; a love which acted not alone since the sacrifice at Jerusalem, and for those who came after it, but embracing the whole human family, from its first creation to the consummation of all things ; so that all who will seek in the right way and receive, may enjoy its blessedness, and they who will not, must perish.

If the language of Elias Hicks be correctly understood, and brought up to this standard, it is believed that he will not be found unworthy of connexion with those who hold the doctrine thus exhibited.

Whether that doctrine be true, or not true, we are not to judge. It is enough that it is the belief of Friends. It is this, if I comprehend aright, which the great body of Friends now hold. I speak not of the Orthodox. I speak of the Friends whom I represent. Whether it be according to the Orthodox standard or not, one thing I am certain of. It is a doctrine of humble faith, and merits no human penalties for its promulgation.—G. Fox's *Doctrinals*, p. 646; G. Whitehead's *Light and Life*, p. 34, 38, and 49 ; Fox's *Great Mystery*, p. 287 and 446 ; 1 Penington, p. 266 ; 2 *Ib.* p. 517 ; 1 Wm. Penn, p. 571, 573 and 574 ; Barclay's *Works*, p. 358, 495 and 628 ; Ap. p. 446 ; S. Crisp, p. 160 ; Bailey, p. 326.

The Orthodox party, in *their bill*, do not attempt to explain their views of the atonement. They give the text "Through his blood we have redemption:" but how through his blood? Is it by the outward flowing of the fleshly blood? If so, it is denied by all Quakers. Or is it by the spirit which accompanied that blood? If they have any other atonement, they have not the Quaker atonement. It is a necessary emanation of the light within, of the Christ within. They who reject it must cease to be Quakers.

As we are accused of a false faith on this point, it is right to inquire how the Orthodox party have treated the doctrine in *their examination*. On page 167, vol. i., when this subject is presented to Thomas Willis, he declines an exposition.

"Q. You have declared that Elias Hicks, when speaking of Jesus, said, he (Jesus) steadily kept in view his entire dependant state—does your society believe that Jesus was independent of his Father, or could do anything without his assistance?

"Witness. What dost thou mean by *Jesus*? that I may be prepared to answer the question distinctly.

"Counsel. I use the witness' own word, and he may take it, according as his own society understands it.

"Witness. We believe that our Lord Jesus Christ is the Saviour of man, according to Scripture, he who died without the gates of Jerusalem for our sins, and rose again; that he was 'one with the Father;' that he ascended up into heaven, where he was before, and who, in a divine revelation, appeared to his servant and apostle John, saying, 'I am Alpha and Omega, the first and the last.' The apostle says, he turned and saw in the midst of the seven golden candlesticks, one like unto the Son of man. And when he saw him, say

the apostle, 'I fell at his feet, as dead, and he laid his right hand upon me, saying, fear not, I am the first and the last, I am he that liveth, and was dead, and behold, I am alive for ever more; Amen, and have the keys of hell and death.' Our society receive and believe the Scripture doctrine, that '*Jesus is the Christ*;' we do not divide between Jesus and Christ.

"Q. Have then the society believed in what is called the hypostatic union, or substantial oneness, of the two natures in Christ—human and divine?

"A. We are accountable for those doctrines which are found in the standard works, we acknowledge, and leave others at liberty to charge any doctrines upon us which are found in the works thus approved, and as above exhibited—but we do not hold ourselves bound to answer any more such logical and unnecessary questions as this, until there is a fair ground in those works brought against us to base the questions upon."

That is the answer he gives. You will observe that this question of the atonement is directly connected with that of the divinity of the Saviour. And in page 152, this question is put to the same witness.

"The witness has used the terms 'Advocate with the Father;' will he be pleased to say, whether he used them with any definite meaning which the society holds on the subject?

"A. I did not undertake to define on this subject any further than is defined in the Holy Scriptures, and acknowledged by our society.

"Q. What are these terms acknowledged by the society to mean?

"A. I consider it more proper for me to refer to the exhibited doctrines of the society, than to enter far into the disquisition of the subject."

The witness does not tell us what he means, and the Orthodox party will not tell us. They will not make *logical inferences*, and yet they will push human penalties on us, for not expressing our belief in the form they wish.

Thomas Willis, in pages 144, 149, and 150, uses the same evasions. And in 155, he denies the outward body to be our Mediator.

William Jackson, in page 106, answers as to the spirit begetting flesh. Joseph Whitall, vol. i. p. 232, distinguishes between Christ and his body; in 234, a body as one of ours; in 237, refers for explanation of the atonement, to Barclay, which we also are very ready to do; and in 243 exhibits his dilemma, in relation to the divinity and manhood.

If you will turn to those pages, you will see the mode in which they refer to this subject, and their evasions respecting it. The conclusions from this view of the atonement, are apparent. I need not delay time in order that I may exhibit them.

The next subject to be considered, is the inspiration of the Scriptures.

All christians concur in this doctrine, that the Scriptures are the declaration of the will of God to man, developing and revealing to

him, his nature and condition, his sins and guilt, his hopes and destiny. They are the records of God dealing with his creatures, and sustained by more perfect evidence, than any question of human science, or any portion of human history.

They contain within themselves a standing miracle, which will last until the conflagration. They contain sixty-six books written in different languages, at different times, throughout a period of fifteen hundred years, and yet there is not a contradiction in them when they are properly understood. Who can take this single fact and believe them to be the work of man? Before that volume appeared, it was not Plato alone, but all men to whom the remark of Lactantius would apply—*Somniauerat deum, non cognoverat*.

The modes in which we express our confidence in the Scriptures, have varied at different times, and the precise import of the language is not always the same. They have been called inspired writings, authentic writings, and the word of God.

Ancient Friends did not call them the word of God. Elias Hicks did not. But did they mean to deny that they were dictated by God? They affirmed that Christ was the Word, and that these were the words of men, under the influence and direction of the spirit of Christ.

They believe the Scriptures to be the record or account of the principles, of the doctrines of Christ, the light and wisdom of God. That this account consists of the declarations and exhortations which were spoken and written on various occasions. That they were so spoken and written through the movings of God's spirit; and that whatever is so given, is a declaration and testimony of truth, and profitable for instruction in righteousness.

In the second place, they believe that, as they are a testimony of truth, they cannot give or convey a knowledge of truth; but this must be given by the author of the testimony himself. And this goes far to explain the sentiments of Elias Hicks, though I am not bound to be his apologist.

The Scriptures springing from the fountain of truth, cannot rise higher than the fountain. They are not the fountain, and are not therefore to be esteemed the adequate primary rule of faith, and chief ground of divine truth; but that this is the spirit of God which gives light to every man who properly seeks it, and by which alone the Scriptures can be rightly and fully known and understood.

This spirit, this inward testimony is the guide to all truth, and gives the rule of faith and life, and where the Scriptures are leaned upon for this rule, they are exalted above their proper place, for the letter killeth, and they are made to assume the office of the divine light, which is the alone infallible teacher of the way to God.—Barclay, p. 296 and 297; 1 Penn, p. 595; 1 Penington, p. 11, and Burrough, p. 446 and 447.

This view of the Scriptures is the necessary result of the fundamental truth of the Quaker belief. If it be true that God has given

to each a portion of his own light ; that when properly sought he does make immediate revelation in the heart ; that revelation being God himself, must be the guide, and all other things, no matter what, must be secondary.

They do not depreciate the Scriptures, but regard them as useful aids and tests of opinion and belief, and as means of trying the revelations to each individual which may be believed, or affirmed to have come from God.

It is in this light Friends view the Scriptures. Whether true or false, it is no reason why their civil rights should be forfeited.

This is the view of their sentiments given in Mosheim's History. In the original edition of that work they were grossly misrepresented. They thereupon sent a minute of their sentiments to the printer, the reading of a part of which will have a two-fold operation. It will show their views of the trinity and the atonement, as well as of the Scriptures. I begin on page 294 of the 2d volume of Mosheim, new edition :

“ We believe the Scriptures of the Old and New Testament to be of divine original, and give full credit to the historical facts, as well as the doctrines therein delivered ; and never had any doubt of the truth of the actual birth, life, sufferings, death, resurrection and ascension of our Lord and Saviour Jesus Christ, as related by the evangelists, without any mental or other reserve, or the least diminution by allegorical explanation : and there is not, nor ever has been, any essential difference in faith or practice between Friends in Europe and America ; but a correspondence is regularly maintained, and love, harmony, and unity have been preserved down to this day ; and we hope and believe, under divine favour, nothing will be able to scatter or divide us.

“ We do not wish to meddle with those, called mystics, or to adopt many of their expressions. We presume there were sincerely religious people among them ; but we think religion is a simple thing, the work of the Spirit of God in the hearts of men ; and as to our tenets and history we refer to Fox, Barclay, Penn, Sewel, Gough, &c. and declare, that we never had, nor now have, any other doctrines to publish, and that there are no religious opinions or practices among us which have not been made known to the world.”

Sirs, they had been charged as not being trinitarians ; their answer was, “ We believe as Fox and Barclay believed.”

They were charged with denying the atonement and the propitiation. They replied, “ We believe as Fox and Barclay believed.”

They were charged as being mystics and placing conscience above Scripture, and you perceive their precise and cautious reply. This publication in Mosheim has been referred to as justifying the preparation of a creed by the Orthodox in 1822, and their effort to give it sanction. But in this quotation is found the proper answer to the pretence. Does this quotation contain a creed ? Does it explain the doctrines now in contest ? Does it lay down a rule up to which

members are to believe or be disowned? If Mosheim could not extort a creed, why should Paul and Amicus? If a history which is read in every country could not draw forth a more explicit refutation, why should an evanescent newspaper controversy? The reason cannot be concealed by the flimsy covering which is thrown over it.

The answers of the Orthodox witnesses exhibit the injustice of their accusations against us. Although Thomas Willis, in *Ev.* vol. i. p. 159, gives an evasive answer, yet in p. 158 he distinctly admits that doctrines cannot be tested by the Scriptures, without the aid of the spirit; and J. Whitall, in p. 239, refers us to Barclay for what is to be believed; and yet we are accused of concealing our opinions respecting the inspiration of the Scriptures.

The court adjourned.

Wednesday morning.

MR. SOUTHARD resumed :

I referred your honours to some passages in various works published with the sanction of the society of Friends, in illustration of the doctrines on which I had yesterday occasion to argue. I did not occupy the time of the court by reading many of these passages, but submit them to the examination of the court, and request attention to them all, as portions of authentic publications which contain, in few words, the substance of the several doctrines in question.

I would now recall the attention of the court, for a short time, to the controversy which existed in the days of George Keith, which has been so often alluded to, and which, in several points, is highly important in the present stage of the argument. The publications made by the parties at that time, present a full view of the grounds of controversy, and to them constant reference must be made. His first ground of complaint was, that the discipline was too lax; that it had not enough of *authority* about it to draw the bond of union close, as they had no other criterion of membership. The single principle of unity which ruled in it, he deemed altogether insufficient. He demanded a change, on this point, and prepared and presented a scheme of discipline, or government, better suited to his notions of ruling the society. The yearly meeting gave him no encouragement, and he was compelled to let it drop. Had he lived in our day he would have received more countenance. The bond of unity was then sufficient. They did not require anything beyond it to govern and control them. The history of this cause is evidence that there are those in our day who unite in Keith's opinion. A disliked preacher is stopped, where the ordinary action of the discipline cannot be applied, and where assumed authority can execute its resentments, without regard to the bond or the rules of the discipline.

He complained, in the second place, that the Friends were unbound

in their doctrines concerning the divinity of Christ, and that they superseded this doctrine to too great an extent, by the undue estimation in which they held the inward light, which he asserted was wholly *“insufficient, without something else.”* Thomas Fitzwalter and others condemned him for this, and although Fitzwalter was rebuked for the language he used on that occasion, yet the society did not justify Keith, and he complains that they did not plead for the innocent.

Had Keith seen the bill of the complainants in this cause, he would have found no reason to charge them, with making too much of the inward light. One would scarcely imagine from this record of their opinions, that *it* was the controlling principle of *their* faith.

By the monthly meeting of Philadelphia, on the 26th of third month, 1692, a declaration was made that the light within was sufficient without anything else. Keith resisted this doctrine. He held to the manhood and divinity of Jesus Christ, as they are received by trinitarian christians of the present day, and he was resisted by Stockdale, and Lloyd, and Young, and Humphrey, and Jennings, and Ellwood, and all the leading and most intelligent, most useful and most influential members of the society. And they openly charged him with preaching two Christs. (Gough, 399; Judgments, 2; Plea, 16; Appeal, 4, 5, 6; Gough, 325-6; Jennings' Statement; Ellwood's Epistle.) His doctrines were greatly abhorrent to their opinions and principles; so much so, that William Penn, on hearing him preach concerning the blood of Christ, and his reliance on the shedding of that blood for his salvation, rose up with great emotion, and said, “George Keith, I pronounce thee an apostate, over the head of thee !”

Yet, although this was so, Keith was not disowned for his doctrines, but for other causes. (Keith, 15, 16, 17; Gough, 327, 329.) These doctrines were not the bond of communion—and his case affords two remarks for our consideration: 1. A comparison of the publications made by the Orthodox, and the arguments of their counsel, with the works left by Keith, show demonstrably, that the two agree. The Orthodox of this day were the Keithians of that. The Friends of that day are the Friends of this. Keith speedily found his proper position in the church of England, and the Orthodox are now hastening to enter the steeple house. 2. If Keith was disowned, as is sometimes alleged, for his doctrines, then the society denied the man Jesus, as a fit object for worship. If not disowned for his doctrines, then those doctrines were not at that day regarded as the bond of union which he had broken, as fundamental truths. Let our adversaries choose their alternative.

In the third place, Keith desired a creed to be formed. (Plea, 15, 16, 17.) “To draw up some principles and doctrines of faith *in the most necessary things*, to qualify the church members, and distinguish believers from unbelievers, as they had none.”

At his own monthly meeting, the Rhode Island statement of reli-

gious doctrines was approved and printed, but the printing it was condemned by two meetings, and it was not much circulated or received. Ellwood opposed the creed as favouring the outward bond of communion; and says it never has been done. (Ellwood's Epistle; Jennings' Statement.) But Keith urged this matter so far, that at a meeting of ministers, on the 20th of April, 1792, a resolution was passed, and was subsequently adopted by the monthly meeting of Philadelphia, that they were willing to give out a confession of faith to satisfy Keith, but it must be *in the very words of Scripture*. This, however, would not satisfy him as a creed for the society.—And he told them they would have no guide in this creed; for papists, socinians, and muggletonians, would do as much as that Penn also consented that a creed should be prepared; but insisted that it must be in the words of Scripture only. (1 Penn, 750.)

Nothing can more closely resemble the creed of “necessary things,” drawn up by the Orthodox party now than Keith's propositions. He wished them to be a rule to distinguish the believer from the unbeliever, and they objected to it upon the principle, that all outward tests were unchristian and unspiritual. In what then do the Orthodox differ from George Keith, except that, unlike him, they are now the minority, in possession of power, to sustain those innovations which he attempted, in vain, to establish. I have however, now done with the discussion respecting doctrines.

The Orthodox party claim that the Friends have seceded from their early faith, and therefore must give up all the property. We have protested, that if it were so, the consequences would not follow, but have inquired into the fact, by asking, 1st. In what is our departure alleged? 2d. Is that the real Quaker doctrine? 3d. Have we deserted it? 4th. If we have, does forfeiture follow?—And we have seen that there are three points of complaint. 1. The doctrine of the trinity. 2. The doctrine of the atonement. 3. The inspiration of the Scriptures; and with regard to them, we have no creed by which to test opinions, but the respected authorities of the society, repudiate the Orthodox doctrines, and leave us free from censure, and not liable to forfeiture. But if the court please, we are charged as “Hicksites.” Elias Hicks is said to have been an apostate and infidel, and we are to bear the penalty of his errors. Now, why is this? How are we connected with Elias Hicks? Is it deemed sufficient falsely to brand us with a name of reproach and then to fasten the character and consequences of that name upon us? We have solemnly denied this name in our answer; we disclaim being the followers of any man. We are told, however, that it *shall* be fastened upon us; that we *shall not escape it*; and we shall now and ever bear its penalties. The declaration was made in no unjust or unkind spirit, but I regret that it was made. It seemed too much in the temper of Orthodoxy. I mean, not the Orthodoxy of trinitarianism of any other religious faith; but that Orthodoxy, which feeling strength, compels submission, and coerces, with pains and

forfeitures, conformity to its own creed ; an Orthodoxy, which, wherever, and in whatever sect it is found, spurns liberty of conscience ; assumes the tribunal of the judge ; interferes between man and his Maker ; finds its music in the groans, its drink in the tears, its food in the broken hearts of its victims. Thanks be to God, here, in this land, it has no power.

But I ask again, why are we "Hicksites ;" and why, if Elias Hicks deserved disownment and reproach, are we to suffer with him ? We have never assumed the name, either privately, or in any official, society act.—T. Willis, 1 vol. 151—3 ; S. Parsons, 1 vol. 241. He never uttered unsound doctrines in our hearing. We never approved any false testimony which he delivered. When he came to the yearly meeting of 1828, he had certificates, given before the separation in his own yearly meeting, and which would have carried him, even within the "select circle" of the Arch street meeting itself. When Green street monthly meeting gave him a minute of acceptance, it is not pretended that he had uttered an incorrect sentiment within its bounds. No evidence proves that he had. It does not appear that he ever visited Chesterfield, or ever bore a testimony to Friends there, to those who are now contesting a right to their property, or that one of them all ever knew or conversed with him.

And by what are we to be condemned ? By his sermons ? Is this so in other cases ? Are the sermons of Smith, and Green, and Miller, and Alexander, the measure of faith in the presbyterian church, and must all who read them, answer for any error which they contain ? By his letters ? We never knew of their existence, until long after the bond of unity was broken ; until after this cause had given evidence to the world, that Orthodoxy had scattered us abroad, and failing to grasp power, sought its satisfaction in property.—1 vol. 120. Thomas Willis had concealed from us these proofs of his fraud against friendship, until they were produced in evidence here. It is a strange fact, that while we are charged with believing as Elias Hicks believed, not one approval of his opinions is produced against us ; not one difficulty in the society has arisen, except where the discipline had been violated, and we became its defenders.

But if this were not so, can a whole society be made answerable for the errors of a single individual, and responsible for the opinions of any one man ? It can be made to answer, only, for what it authorizes to be published, and thus approves. So say Bettle, and Willis, and Whitall, and Evans, and Parsons, in their testimony, and so every principle of justice and law proclaims.

But, although I have thus investigated the doctrines, and repelled the idea that we are to answer for Elias Hicks' sentiments, it has been done out of respect to the opinion of Justice Drake, and the argument of the adverse counsel. I now enter for my clients a solemn protest against the whole inquiry, and especially against the consequences which have been deduced from it. Let the Orthodox be as Orthodox as they may, they are not authorized to inquire into our re-

ligious belief, as ground of forfeiture of rights. There are cases, I have admitted, in which it may be done; but they are cases where there are incorporations, or original grants depending on specified conditions; as where there is a set of principles acknowledged and admitted, and by which it is agreed that the property shall be holden. This was the fact in the Woodbridge case, cited from our court of appeals. The deed was given to an incorporation by name. In the Amboy case, it turned upon the right of membership, and this upon the payment of salary. Such, also, are the cases cited from New York and Massachusetts.

The case in 15 Mass. Rep. 464, according to the marginal note, is this: "Where, in a new town, a congregational minister was settled, as the minister of the town, and after his death, another minister of the same denomination was settled, this latter was held to succeed to all the rights of the former, and to be entitled to possession of the ministerial lands of the town; although a majority of the town were then of other denominations or persuasions."

The ground of this decision is this: Every town in the commonwealth is a parish; and all parochial property is held in a *corporate capacity*;—page 468. "All the inhabitants of the town being members of the parish, unless they have disconnected themselves therefrom in some legal way." The court held, that if this town was a parish, it was a *congregational parish*; as such elected a congregational minister; and such was the claimant. 469. Those who constituted the majority, had availed themselves of the act of 1811, and became *separate corporations*. The congregationalists were thus left the entire parish corporation, and as such, their minister was entitled to enjoy the property; whilst the majority were divided into fragments, and had become incorporated into other *corporations*, and were disqualified to vote in the congregational parish.

Here those who separated from the parish, became incorporated under the act of 1811, as a *distinct religious denomination*, and as a *distinct corporation*.

4 Mass. Rep. 534. The principle decided, is this: "If, after the inhabitants of a school district have voted to raise money for building a school-house, and before the same is assessed, the town shall set off certain of the inhabitants, and form them into a separate district, such inhabitants are not liable to be assessed for the money so voted." The case is cited for this *dictum* of the judge, "the most operative distinction is, that where a new town is incorporated out of one or more towns, the *former corporations* continue with all their powers and duties." The judge continues: "But if a new *school district* is formed out of one or more districts, all the districts, whose limits are anew prescribed, become, in fact, new districts."

So far as the case is applicable, it is in our favour. It takes a distinction between a separation of members, from *corporate* bodies, and a separation from communities not incorporated. In the latter case, *both divisions are new bodies*; in which case, they must suc-

ceed rateably to the property, if it does not revert to the donors, or the majority will take it.

The principle of the case in 16 Mass. 488, is thus stated in the syllabus: "Where a majority of the members of a congregational *church*, separate from the *majority of the parish*, the members who remain, although a minority, constitute the church in such parish, and retain the rights and property belonging thereto." That is, the *majority of the parishioners*, who owned the property, were entitled to hold the property, against the *minority of the parishioners*, although the latter were a majority of the church worshippers or communicants.

This case is full and decisive, upon the principle of the *majority of the owners of the property*, carrying it against the minority, though the latter were the majority of the church worshippers, or as it might be said in this cause, were the old, experienced, weighty members; for as *property owners*, at least all Friends, are on an equality.

Read at foot, pages 500, 502; pages 507—8.

The principle established by these cases, leads to the inquiry before made as to majority, and in regard to it, no just doubt can exist upon the evidence. The majority of Friends is great. (See Exhibit, &c.) Elsewhere, throughout, there is a similar disparity. Nor ought there to be.

Here the defendants declare their belief in the doctrines of ancient Friends. There is no written standard—confession—creed—sanctioned by them, individually or collectively. The court cannot proceed further; even a change of belief does not, under our system, work a forfeiture of rights, otherwise there is no liberty of conscience; our boasting is folly. A decision which, in such a case as this, would impute error, and then inflict penalties, would prostrate in an hour the fabric which we have been erecting for nearly two centuries, and let us beware. It is easier to destroy than to build. "A thousand years will scarce suffice to build a state, an hour may rend it." After the minute examination which has been given to Judge Drake's opinion, I do not longer delay to subject it to further criticism. I do but remark: 1. It is not true that we refused to answer, so far as law and the discipline required. The latter expressly forbids an individual to answer for the sentiments of the society, and publish its doctrines; the former will not justify a party being put upon an inquisition into specific articles of faith, as ground of forfeiture, when his profession and general character as a member of a religious society, authorize him to hold property, and especially when those articles relate to an admitted mystery—as is the case now before the court. So admitted, not only in the evidence, but by all men. 2. Our opinions are not to be inferred from those of Elias Hicks. 3. If we do not answer, our adversary must prove; he cannot presume and take our error for granted. 4. A forfeiture can arise from no such principle or cause under our institutions.

But although we are not willing to take the name of Elias Hicks, or any other human name to designate our belief, and give character to our faith, we cannot, we will not, cast reproach upon him, but do and must ever, hold his life and character in respect. Whatever may have been his errors of opinion, speculative or practical, he was, for anything which we know, a truly excellent, pious, devout, and good man. He possessed an active spirit, ambitious of excellence, ardently zealous in the pursuit of that which he believed to be his duty, and esteemed to be right. He early yielded his mind to the purifying influence of the spirit of truth, and at twenty-seven years of age publicly ministered in the gospel to his dying fellow-men. For fifty-seven years he ardently and earnestly advocated the cause of christianity, and of human happiness. And he was not less a friend of perfect liberty of conscience. The testimonies of his society he bore meekly, yet fearlessly, urging them on the conscience, with a zeal which demanded attention and secured it. A friend of true liberty in all its aspects and influences, he was the unceasing advocate of human rights, whether they were those of the white man, of the Indian, or of the African. Possessing an acute and strongly argumentative mind, he had also a kind heart, which overflowed with benevolent feelings towards every object of human suffering. His public ministrations were listened to by the pious and the learned with deeply absorbing interest, and immense multitudes displayed by their feelings and by their conduct, that he was powerful in argument and in persuasion. At the advanced age of more than four score years, his zeal did not relax. At that period when human nature seeks repose from its labours, and a pillow from its cares, he travelled widely, and ministered faithfully and zealously, "instant in season and out of season." He traversed Ohio, Indiana, New York, New Jersey, and Pennsylvania, and preached that gospel which is "peace on earth, and good will to men."

He was eminently, in all the relations and intercourse of life, a *peace-maker*—not merely in the settlement of controversies between his fellow-men, but in a higher and holier sense—and "blessed are the peace-makers, for they shall be called the children of God." He sought, in the strong meaning of the original Scripture word *eirene* (*eirein ero*) to convert into one; to bring to unity; to connection with the father of peace; the sacrifice and mediator of peace; the nourisher and bond of peace.

He was honest, and he was just, even Thomas Willis and his bitterest foes admit it, in their hesitating candour, vol. i. p. 117. His life was stainless and without reproach, in his intercourse with others. Where, where is the accuser who complains of personal wrong or injury? Where the assailant who charges pollution or criminality in conduct? And yet it is *such a man* that we are called upon to rebuke, and because we would not, and could not see him persecuted, and abused, and silenced, we are to forfeit our civil rights. All that we have done, was to refuse to denounce him, to gratify those who

ated him for the closeness of his testimonies; and now we are ourselves insulted, and denounced as heretics; and since he has laid down in the grave, and gone to answer for his faith, his opinions and his actions, we are almost scorned, and bid to stand aside as unholy. So be it. The pharisee thanked his God that he was not as other men; and the spirit of religious hatred and intolerance, does now manifest itself for the first time.

It is due also to Elias Hicks, that his religious opinions, whether we concur in them or not, should not be misrepresented.

If I understand them and him, they were of the same cast as those of the original Quakers, but carried out perhaps in some of his views to a hazardous extent, though still true to the foundation on which Fox, and Barclay, and Penn rested.

His opinions, however, cannot be properly tested by his letters to Willis and others, nor by the understanding of hearers, who became hearers that they might be note-takers, and, by *their comprehension, measure his light*.

The court will recollect how the letters to Willis were procured. Under the garb of friendship and brotherly love, he wrote them as familiar illustrations to familiar friends, in answer to inquiries, without caution, or the anticipation of exposure and criticism. They were to be returned. His correspondent professed to return them, but secretly retained a copy as evidence of guilt, for the purpose of condemnation. Such conduct was worthy of one, who could equivocate and hesitate an answer in regard to the honesty and integrity of Elias Hicks. Vol. i. of Evidence, p. 117. I rejoice that my friend did not attempt the defence of this act of fraudulent duplicity. It was abhorrent to his nature, as it must be an object of loathing and disgust to every honourable mind. These letters should never have seen the light, and are not now the proper evidence by which to try the opinions of the writer. But, sirs, if you will take his private and familiar, confidential and hasty letters, then take also the very last, written almost at the moment of his death—the closing act in that long catalogue, to be found in that record book, by which he must be tried at the last great day of accounts. It is at the close of those memoirs of his life, which have been given to the world, and by its spirit and opinions, his nearest friends are willing that he should now be judged by his fellow-men. Journal, p. 439.

Nor is it more just to try him, by the understanding and memory of the note-takers, who, year after year, treasured up *their constructions* of his language and ideas. (See testimony of Parsons and Willis.) Who can bear the test of *such* a scrutiny? I need not comment on its uncertainty and injustice. This cause furnishes ample evidence of its value. Joseph Whitall, an honest man, understood him to express certain ideas. The very character of these ideas, as scriptural or otherwise, depended on the phraseology and illustrations of them; and Elias Hicks denied the accuracy of the representation which Whitall gave. He disowned the meaning which

Whitall conveyed. So the express-riding talebearers, Comfort and Bell, were confronted and disproved, not by Elias Hicks only, but by *all* who were present and heard his testimony at the southern quarter, and who were called on to give evidence respecting it. Nay, they volunteered a denial of the truth of their story. (See Evidence and Exhibits.)

The scene also, in Philadelphia, where J. Evans declared his belief and understanding of the doctrines of Friends, illustrates the dangerous nature of this mode of testing religious opinions. On the very spot, at the very moment, denial was made, and the witnesses declared that what Evans said did not apply to the testimony of Elias Hicks. (See Evidence.) The only honest and fair mode of learning what his religious opinions were, is by consulting, 1. His sermons—2. The journal of his life—3. His answers to the fourth and sixth queries propounded to him. And in examining them, we must keep in view the peculiar mode of thought and expression which has always distinguished this sect from every other. There is difficulty in this, to those not conversant with them; but it is not a new difficulty. It has furnished cause of complaint and objection, ever since the days of Fox, when, for this reason, they were called fanatics and mystics.

In examining these documents, the whole should be taken together, not in scraps. The witnesses of the complainants demand this in other cases, and when applied to themselves, and are unwilling either that ancient Friends should be tried in any other mode, or to be responsible for every word and sentence to be found in their writings. Vol. i. p. 75, S. Bettle, vol. i. p. 270, J. Whitall and others.

His sermons are acknowledged to be, in the general, a correct representation of his opinions.

[Here Mr. S. examined some of the passages of his sermons quoted on the adverse side, and compared them with others, and with the context, to exhibit his meaning and their coincidence with the doctrines of early Friends.]

His journal or memoirs are not in evidence, but still it is fair towards him, that the opinions there developed, should be examined, when he is on trial for his faith; and these are without reproach in point of Quaker doctrine.

But the safest possible guide on this branch of our subject, is the answer to the six queries. They were a deliberate reply to inquiries made by those who, having repeatedly heard his doctrines misrepresented and abused, desired an explicit explanation of them. The court will remember the history of their introduction and use in this controversy. We early protested against an examination into matters of faith; it was however forced upon us, and much evidence was given on this point and these queries, among other things referred to. We then asked for them that they might speak for themselves. They were thus produced, vol. i. p. 167, and when inquiry was made of Samuel Parsons, one of the most zealous, I will not say

least scrupulous of the Orthodox party, he admitted the answers to these queries to be consonant to the doctrine of Friends, vol. i. p. 212. *They are so*, and the only question is, do they exhibit the true doctrines preached by Elias Hicks? I commend them to the attention of the court. They may not correspond with *our* religious faith, but they do with that of Fox and Penn.

[Here Mr. Southard read and examined several of the answers to the queries ; but as the whole are inserted in Mr. Wall's argument, it is deemed unnecessary to repeat them.]

That these doctrines do not justify the denunciations against Elias Hicks which have been made by the Orthodox, whatever other christians may think of them, is perfectly apparent. It would, indeed, be no difficult task to find parallel ideas to some of them among those who have passed as lights in the christian world. It might be both amusing and instructive to make an investigation of this fact; but the time and patience of the court demand forbearance. In some of the peculiarities a correspondence may be found in the writings of Samuel Clarke, "that star next to Newton, in his own day, in brightness, *unus omnes longe longe antecellens*," whom Addison calls the most accurate, learned, and judicious writer of the age; and whose last great work was said to be *supra omnem invidiam*.

But we are told that we are not to trust this deliberate exposition by Elias Hicks, but rather rely on the secret note-taker, the personal enemy, and the hasty private letter. This is a perversion of all our principles of judgment in other cases. Why should we disbelieve Elias Hicks, when he openly and for the very object of avoiding misrepresentation, declares his belief, his opinions, his faith? Why shall we go upon the presumption that he acted falsely? Because; say our adversaries, "he was under accusation"—"*we had found fault with him, and he desired to relieve himself from imputation.*" Even if this were true, yet, as it is matter of faith and conscience, how can the truth by possibility be tested but by his declaration? Who, on earth, shall dare to press the scrutiny further? And is not the refusal to receive his declaration, solemnly made, but another evidence of the intolerance of which we complain? of the spirit of the inquisition itself, which has found too close an imitation in this cause? Is it true, when a man is accused of error of opinion in religion, that his solemn affirmation of what he thinks shall be disregarded? that he cannot purge himself by an open avowal? Let us beware how we sustain such a position. It is neither just in itself nor correspondent with the day in which, and the institutions under which we live.

If I recollect correctly, when Dr. Clarke, about 1712 or 1714, published his Doctrine of the Trinity, or Exposition of Scripture Texts, &c., a work of unusual power, the lower house of convocation made formal complaint to the bishops of its heterodoxy. He gave in a statement of his opinions, and the bishops were satisfied, readily satisfied. It may be, for aught that I can say, that he yielded some-

thing of his peculiar views in this statement, or at least of his mode of stating them ; and, as it was remarked of him, on another occasion, by Whiston, that “the bishop of London, in *the way of modern authority*, was quite too hard for Dr. Clarke *in the way of primitive christianity*,” he may possibly have avoided the full exposition of all his views—but his statement was received. So here Elias Hicks’s *primitive Quakerism* may not be able to resist successfully the zeal of *Orthodox authority* armed by the uncontrolled power of an Orthodox clerk, yet even its intolerance is bound, in all fairness, to receive, as true, the opinions thus promulgated.

But do the Orthodox perceive the imputation they cast on Penn, by the principle they now avow as to Hicks? When Penn had published his *Sandy Foundation Shaken*, in which every form of expression is used to reprobate the doctrine of the trinity as understood and expressed by trinitarians, he was, upon the motion of the bishop of London, imprisoned in the tower. He there wrote his *Innocency with open Face*, and gave an explanation of his doctrine, which satisfied the bishop, and he was released. Yet did he desert his faith? did he become a trinitarian? No one, in the exercise of candour, will say that he did. He himself declares that he “did not budge one jot.” Now was Penn insincere, and to be disbelieved? The Orthodox will not assert this. Then why accuse Elias Hicks of insincerity and falsehood in the answers to the six queries? Why apply one rule to William Penn—another to Elias Hicks?

His sincerity is not doubted by those who long and best knew him—with the melancholy exceptions to which I have before averted. The certificate by eighteen such persons testifies, that they have known him, and most of them been in habits of familiar intercourse with him, and they believe that these sentiments are the same that they have always understood him to maintain.

And the testimony borne to his merit, after his death, by his monthly and quarterly meeting, is an affectionate expression of afflicted feeling upon the loss of one, whose virtues were admired, whose person was loved, whose worth was venerated, whose integrity was unstained, whose memory was precious. With that record offered to the just consideration of the court, I leave the slanders which have been heaped upon him. He was not our leader, we have not assumed his name; we have another and a higher leader, another and a nobler name.

We stand upon our rights as men, as American citizens, as humble followers of that light which the father of light may vouchsafe to us; and we entreat this honourable court to weigh well the grounds upon which our claims rest. May I recapitulate them without exhausting your patience?

1. The fund in dispute was created for our own use and benefit—not for others—to educate our own children, not to be taken from us by strangers, and carried beyond our limits and the jurisdiction of the courts under whose protection we placed it.

2. We subjected it to no acts of incorporation, to no fixed, and avowed, and covenanted principles of faith and belief; to no rule or condition other than our own will expressed through our agents.

3. We have managed it from the commencement, and are now managing it in strict conformity with the original purposes of its creation; bearing its burdens and devoting it to the object for which it was intended; and denying to none of those who united in its creation, or to their descendants, whether Friends or Orthodox, or even others, the full benefit of all its use.

4. We have governed it by our preparative meeting, which is in full existence; professing the same faith, regulated by the same discipline, the same rules, the same principles, which existed and operated when the subscription was made.

5. Stacy Decow, the defendant, who represents us, was the regularly appointed treasurer of that meeting under circumstances which make his election legal and incontestible. The trustees who were to advise and direct him, were chosen by the joint act of ourselves and our adversaries, before the unity was broken, and they hold their stations and power by that high authority.

6. No other power, man nor set of men, monthly or other meeting, has right to interfere with us; and if they have, that right must be exercised in the appointed mode, by the rules of our discipline; but no such interference has even been attempted; and how can this or any court dare to interfere and supply the defects of their action. We have not been dealt with, nor disowned, nor laid down. And our opponents admit that that is the only mode in which they can control or govern us or this property.

7. Our rights are not to be adjudged upon principles applicable to incorporations. We have no incorporation; we act as individuals, we subscribed as such; the property is common and joint, we are partners in the fund; a majority, by every principle of right, and justice, and law, may control it, and we are that majority.

8. The minority withdrew from us, without cause, without excuse, and they cannot have right to the control or possession of the fund. If they retain right at all, it can only be in proportion to their numbers, and to that extent we are willing to yield to them.

9. Although there are connexion and subordination between the meetings, they relate to the preservation of a comely order in the society, but does not, and never did, relate to property. No instance in the whole history of Quakerism has been, or can be, presented, where a subordination in regard to it has been enforced, against the judgment and consent of the owners.

10. The yearly meeting to which we are said to be subordinate, and from which we are charged with seceding, never had, and never pretended to have, control over our property; and if it had, that yearly meeting was dissolved. The spirit of unity, without which it could not exist one moment, had deserted it; it was gone for ever. The acts of the Orthodox party previous to that meeting, and upon

its opening, had destroyed the only bond which ever bound it together ; the only terms of the contract ; the conditions of the covenant ; and we left to reorganize it as we could. This was our duty ; our solemn obligation ; and to this there was no earthly impediment.

11. We are not to be excluded from our rights, upon any allegation of having deserted the faith of ancient Friends. We profess to believe, as they believed ; we have the same doctrines, and the same discipline. We so profess in our answer ; we so prove by our evidence ; and there is a total want of testimony to show that our profession is false ; that any one of us has ever uttered an idea which did not become a Quaker ; or, that we have, in the remotest degree, approved, or been connected with Elias Hicks, or any other who is, justly or unjustly, accused of false doctrines.

12. We claim those rights of liberty of conscience which forbid all interference by public or private authority with our faith ; a liberty which is laid at the very foundation of all our civil and religious institutions ; purchased by our fathers ; guaranteed by all our laws and constitutions ; sacred and inviolate as human reason and human guards can make it. In the exercise of this liberty, we have offended no man intentionally ; none have we wronged ; no human law have we broken ; why then shall we be subjected to pains, and penalties, and forfeitures ? Why shall courts interfere with us, and first adjudge what we ought to think, and then what we do think, and, following out their false reasoning from false premises, take from us our property, and lay waste our civil and religious character ? The judgment of the court below was honest, but it is odious. It takes not a part, but the whole. The power of the court, beyond question, in such a case, of a partnership in property, and the voluntary dissolution of the connexion, was ample to say, that the complainants were entitled to the share they introduced into the fund, but no more. The argument and authorities of my colleague were conclusive on this point. In such a decision we should most cheerfully have acquiesced ; *we* never claimed ; *we* never desired to retain *their* share. It was enough for *us* that they had subscribed it for their own benefit and that of their children ; it was theirs ; and justice, the feelings of our nature, the principles of our religious faith, all demanded that they should possess and manage it. We know nothing of that Orthodoxy which claims all upon an unsupported allegation of error in the intercourse between them and their Maker. We promptly and without delay, as soon as they apprized us that they could no longer worship with us, tendered to them a division of all the property, on principles of equity, and by numbers. We repeated the offer again and again ; and we, once more, here offer to them their full proportion. I am authorized to declare, as I now do, that if the judgment of the court below should be reversed, *on any ground, no matter what*, the offer shall be repeated, and the division made, if they will accept it. Why, sirs, will they

not do it? Why will not this court require them to do it? It is the only mode in which peace can be restored within the wide spread limits of this virtuous and once peaceful community. The judgment which shall instruct us and our present adversaries, that here, and in this land, liberty of conscience has found a secure abode; that we are truly equal; that avarice of money cannot be cloaked by assumed orthodoxy of opinion, and that forfeitures do not accompany either alleged or proved errors of faith, will also teach us and them, that peace, and unity, and brotherly love may be restored, even where they have been, for a time, exiled and unknown. Although such a decision may not produce relents in a few of those who have contrived and executed this work of ruin, it will affect those who are honestly disposed to do justice and love their brethren; thousands who belong to the society. I am bound to admit that the views presented by my clients, have been met by a resistance, bold, strong, and eloquent. If we succeed, as I trust we may; if they fail, as law and justice demand that they should, their counsel may say, without presumption, *Si Pergama, dextra, defendi possent; etiam hac defensa fuissent*. But Hector's arm was not strong enough to save the city.

But I must close, and I do it with the declaration that there is but one principle of equal justice to be applied to this cause, and we only desire that it be applied equally to both parties. We desire no triumph to their injury. We have travelled long and joyously as brethren. But as they now tell us that we have reached a point where we can travel together no longer, let us separate, without injustice and aggression. My eloquent friend told you that his clients' cause was a little bark which had hitherto met and survived the torrent and the gale, and he trusted, with the guidance of this court, it would be safely conducted to the desired haven. May I suggest to him, and to them, that if the spirit of life and truth from above had been at the helm, they need not anxiously regard the aid of any human power. May that spirit dictate the decision of this tribunal, and the day speedily arrive when these parties will again embrace in the same spirit, and worship the God of their fathers in united adoration.

The court adjourned.

Wednesday afternoon.

The court resumed the consideration of the cause, and on the question, Shall the decree of the Chancellor in this cause, be affirmed or reversed? the votes were as follows:

For Affirmance.

Messrs. BOARD,
M'DOWELL,
GREEN,
CLARK,

Messrs. WOOD,
MERKLE,
PRESIDENT.

For Reversal.

Messrs. HOLMES,
CAMPION,

Messrs. CLAWSON,
TOWNSEND.

Whereupon it was determined to affirm the decree of the Chancellor in this cause, and that each party pay his own costs.

IN THE COURT OF APPEALS, IN THE LAST RESORT IN ALL CAUSES
OF LAW AND EQUITY.

Between
Stacy Decow, who is
impleaded with Joseph
Hendrickson, *Appellant*.
and
Thomas L. Shotwell, *Respondent*.

On bill of interpleader.

Thomas L. Shotwell, and
Elizabeth his wife,
ads.
Joseph Hendrickson.

On bill to foreclose.

Upon Appeal against the several decrees, rendered by the Court of Chancery of the State of New Jersey, in the said several causes.

The said Appeal coming on to be heard and debated at a Special Term of the Court of Appeals in the last resort in all causes of law and equity, held at the State House in Trenton, commencing on the sixteenth day of July, in the year of our Lord one thousand eight hundred and thirty-three, and the pleadings in the said several causes, and the depositions, exhibits and proofs taken in the said causes in the Court of Chancery, and the several decrees of the said Court of Chancery in the said several causes, and the said petition of Appeal and the answers thereto having been read, and the said causes and the several matters therein, having been opened and debated by Garret D. Wall and Samuel L. Southard, esquires, of Counsel for the said Stacy Decow, and by George Wood and Theodore Frelinghuysen, esquires, of Counsel with the said Joseph Hendrickson, and the court having taken time to advise thereon, and the whole matters being duly and fully considered, and due deliberation had thereon: It is now here, that is to say, on the fifteenth day of August, in the year of our Lord, eighteen hundred and thirty-three, Ordered, That the several decrees of the Chancellor complained of in the petition of Appeal, be in all things affirmed, and the Appeal dismissed, and that each party pay their own costs of the said Appeal, and that the Clerk of this Court return to the Clerk of Chancery, all the papers which have been received by him from the Clerk of the Court of Chancery, together with a copy of this order, to the end, that the Court of Chancery may carry into effect the several decrees of the said court appealed from as aforesaid, and may proceed therein agreeably to equity and the practice of the said court.

On motion of I. H. Williamson, of counsel with the said Joseph Hendrickson.

After the judgment of the court was pronounced, the President made the following communication, which was directed to be placed on the minutes of the court.

The court would most earnestly recommend to the parties interested in the present controversy, to make a speedy and amicable adjustment of all their disputes and difficulties.

We have always regretted to see these religious controversies brought into our courts of justice ; it has a demoralizing influence on society ; is a stumbling-block to the unconverted, and a source of great joy and rejoicing to the infidel.

It is, therefore, the sincere desire of the court, that all parties concerned will make every effort in their power to effect a speedy compromise of their difficulties, on such just and equitable principles as may properly become those who profess to be influenced by the light within, the Spirit of God operating on sincere and honest hearts.

(The Court adjourned.)

STATE OF NEW JERSEY :

I, JAMES D. WESTCOTT, Secretary of the State of New Jersey, and ex-officio Clerk of the Court of Appeals, in the last resort in all causes of law, do certify, That the foregoing is a true extract from the minutes of said Court, made at a special term, begun at Trenton, July sixteen, A. D. eighteen hundred and thirty-three, as compared with the records now remaining on file in said Court.

*
* SEAL. *
*
*

In testimony whereof I have hereunto set my hand and seal of office,
this twenty-seventh day of August, A. D. eighteen hundred and
thirty-three.

JAMES D. WESTCOTT.

ERRATA.

Page 319, 19th line from top, for propensities, read *principles*.

" 320, 5th line from top, after the word Decow, add "*claiming to be treasure*"

" 321, 6th line from top, for defend, read *present*.

" 325, 20th line from top, for title, read *bill*.

" 352, 23d line from top, for and, read *that*.

" 358, 12th line from bottom, for whom, read *who*.

" 360, 8th line from top, for witness, read *witnesses*.

" 364, 23d line from top, insert the word *the* before the word serpent

" 371, 20th line from bottom, for enemy, read *enmity*.

" 406, 21st line from bottom, for 1823, read 1828.

" 444, 4th line from top, for fath, read *faith*.

" 448, 17th line from top, for held, read *hold*









JAN 3 1934

